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AS AMENDED IN COMMITTEE
6/14/88

FILE NO. 34-88-4

ORDINANCE NO. 301-88

AMENDING ORDINANCE 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALK" BY ADDING THERETO SECTION 1481 RE-ESTABLISHING THE OFFICIAL WIDTH OF SIDEWALK ON THE EAST SIDE OF HARRISON STREET BETWEEN ALAMEDA AND 15TH STREETS; MAKING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

e 6/14/88

Be it ordained by the people of the City and County of San Francisco:

Section 1.

6/14/88 e Ordinance No. 1061 entitled "Regulating the Width of Sidewalk", be and is hereby amended in accordance with communication filed in the office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1481. The width of sidewalks on the east side of Harrison Street between Alameda and 15th Streets shall be 10 feet.

Section 2.

6/14/88 e The Department of City Planning in its report dated March 28, 1988 declared that the above-described re-establishment of official sidewalk width is in conformity with the Master Plan, provided that the new sidewalk is continuous with drop curbs at building entrances and made findings of consistency with the Eight Priority Policies of City Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Department of City Planning, by its letter dated March 28, 1988, that the project intended by the proposed change of official sidewalk width is consistent with the eight priority policies of City Planning Code Section 101.1.

The petitioner shall comply with the following conditions:

1) Coordinate with the Pacific Gas and Electric Company for relocation or adjustment of their facilities in the affected area.

2) Coordinate with the Department of Public Works for relocation or adjustment of existing railroad tracks in the affected area.

3) Coordinate with the Clean Water Program for the satisfactory relocation of two (2) existing catchbasins in the attached area.

4) Compliance with the condition of Master Plan conformity, as described above.

DESCRIPTION APPROVED:

City Engineer

RECOMMENDED:

for Director of Public Works

APPROVED AS TO FORM:

LOUISE RENNE, CITY ATTORNEY

By Deputy City Attorney

APPROVED:

Chief Administrative Officer

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 20, 1988	§	June 27, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Molinari Nelder Silver Walker	§	Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver
	§	
Absent: Supervisors Hongisto Maher Ward	§	Absent: Supervisors Britt Walker Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
34-88-4

JUN 30 1988

Date Approved

Mayor

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CORRECTED COPY

FILE NO. 34-88-5 ORDINANCE NO. 302-88

ERRATA

Correct Ordinance No. 302-88 as follows:

Page 1, line 12 and 15 correct "Q-20-369" to read, "Q-20-349".

John L. Taylor
Clerk of the Board

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OCT 12 1988
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AS AMENDED IN COMMITTEE 6/14/88

FILE NO. 34-88-5 ORDINANCE NO. 302-88

(CHANGE SIDEWALK WIDTH)

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY DELETING SECTION 1475 AND ADDING THERETO SECTION 1488 CHANGING THE WIDTH OF SIDEWALK ON THE NORTH SIDE OF DUBOCE AVENUE NEAR NOE STREET; MAKING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

6/14/88 e Section 1.

6/14/88 e /Ordinance No. 1061 entitled "Regulating the Width of Sidewalks", be and is hereby amended in accordance with communication filed in the office of the Clerk of the Board of Supervisors, by deleting Section 1475 and by adding thereto a new Section to be numbered as follows:

Section 1488. The official sidewalk width, established by Ordinance No. 408-86, and as shown on Department of Public Works Plan No. ~~Q-20-369~~ Q-20-349, is hereby rescinded.

Official sidewalk width on the north side of Duboce Avenue near Noe Street shall be as shown on Department of Public Works Plan ~~Q-20-369~~ Q-20-349, Change 1, on file with the Clerk of the Board of Supervisors.

6/14/88 e Section 2.

/The Department of City Planning in its report dated June 27, 1986, stated that the proposed change of the sidewalk width as described above is in conformity with the Master Plan.

Also, as required by City Planning Code Section 101.1, it is found that the proposed change of official sidewalk width on the north side of Duboce Avenue near Noe Street is consistent with the Eight Priority Policies of Section 101.1 in that:

1. The project is a change of official sidewalk width, and is not related to development. Priority policy 1 is therefore not relevant to this project.

   Because of the above consideration, policies 2, 3, 5, 6, 7, and 8 are also not relevant to this project.

2. The project will affirmatively respond to priority policy 4 by improving handicapped access to LRV service of this location. The

project will not affect neighborhood parking or increase traffic on the street.

DESCRIPTION APPROVED:

City Engineer

RECOMMENDED:

Director of Public Works

APPROVED AS TO FORM
LOUISE RENNE, CITY ATTORNEY

By
Deputy City Attorney

APPROVED

Chief Administrative Officer

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 20, 1988	June 27, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Molinari Nelder Silver Walker	Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver
Absent: Supervisors Hongisto Maher Ward	Absent: Supervisors Britt Walker Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
34-88-5

JUN 30 1988
Date Approved

Mayor

AS AMENDED IN COMMITTEE 6/14/88

FILE NO. 34-88-6 ORDINANCE NO. 303-88

(CHANGE SIDEWALK WIDTH)

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALK" BY ADDING THERETO SECTION 1489 CHANGING THE WIDTH OF SIDEWALK ON THE WEST SIDE OF HARRISON STREET BETWEEN 19TH AND 20TH STREETS; MAKING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

6/14/88 e

Be it ordained by the people of the City and County of San Francisco:

6/14/88 e Section 1. Ordinance No. 1061 entitled "Regulating the Width of Sidewalks", be and is hereby amended in accordance with communication filed in the office of the Clerk of the Board of Supervisors, by adding thereto a new Section to be numbered as follows:

Section 1489. The official sidewalk width on the west side of Harrison Street between 19th and 20th Streets shall be 15 feet.

6/14/88 e Section 2. The Department of City Planning, in its report dated April 22, 1988 stated that the proposed change of official sidewalk width as described above is in conformity with the Master Plan.

Also, as required by City Planning Code Section 101.1, it is found that the proposed re-establishment of official sidewalk width on the west side of Harrison Street between 19th and 20th Streets is consistent with the Eight Priority Policies of Section 101.1 in that:

1) The project is a change of official sidewalk width, and is not related to development. No existing neighborhood-serving retail uses will be affected by this change.

2) The existing housing and neighborhood character will be conserved and protected. Re-establishment of official sidewalk width in this area will enhance the neighborhood character and make pedestrian and vehicular travel on this street safer.

3) The project will have no effect on the City's supply of affordable housing.

4) The project, being the re-establishment of an official side walk width to 15 feet on the west side of Harrison Street between 19th and 20th Streets, will not impede MUNI transit services and would create a pedestrian sidewalk area where none exists at present and would organize curbside parking between 19th and 20th Streets. The sidewalk improvements would benefit the employees, clients and their families who participate in the programs of the Los Americas Children Center which is located within Assessor's Block 3593 and as such, the project affirmatively Promotes Priority Policy No. 4.

5) The project is not related to commercial office development, and will have no effect on the industrial and service sectors in the City.

6) Re-establishment of official sidewalk width in this area will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.

7) There are no landmarks or historic buildings in the area of the sidewalk change. This policy is not relevant to the project.

8) The project affirmatively promotes Priority Policy no. 8 by providing safe and convenient access to the playground area of the Los Americas Children Center which is located within a P (Public Use) District by enhancing the public's access to an existing park/open space area.

The Department of City Planning found this project to be consistent with the Eight Priority Policies of Planning Code Section 101.1 by their letter dated April 22, 1988.

DESCRIPTION APPROVED:

City Engineer

RECOMMENDED:

Director of Public Works

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By
Deputy City Attorney

APPROVED:

Chief Administrative Officer

BOARD OF SUPERVISORS

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JUL 18 1988

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 20, 1988	§	June 27, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Molinari Nelder Silver Walker	§	Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver
	§	
	§	
Absent: Supervisors Hongisto Maher Ward	§	Absent: Supervisors Britt Walker Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
34-88-6

JUN 30 1988
Date Approved

Mayor

FILE NO. 27-88-30 ORDINANCE NO. 304-88

(AIRPORT-POST OFFICE EXTENSION OF LAND LEASE)

APPROVING EXERCISING THE THIRD OPTION TO EXTEND THE LEASE OF PLOT 10B BETWEEN UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE POST OFFICE DEPARTMENT, AND THE CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH ITS AIRPORTS COMMISSION.

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

Section 1. Pursuant to Section 7.402-1 of the Charter, the Board of Supervisors hereby approves exercising the third option to extend the Lease of Plot 10B between the United States of America, acting by and through the Post Office Department, and the City and County of San Francisco, acting by and through its Airports Commission. The option was exercised by Airports Commission Resolution No. 88-0080.

APPROVED AS TO FORM:

LOUISE H. RENNE
CITY ATTORNEY

BY: Donald A. Gerlach
Airports General Counsel

AIRPORTS COMMISSION

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 27, 1988	§	July 5, 1988
Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver	§	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Nelder Silver Ward
Absent: Supervisors Britt Walker Ward	§	Absent: Supervisors Maher Molinari Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 27-88-30

JUL 8 1988
Date Approved

Mayor

AMENDMENT OF THE WHOLE
4/14/88

FILE NO. 52-88-1 ORDINANCE NO. 305-88

[Underground Utility Districts]

AMENDING ORDINANCES NO. 51-79 AND 298-86 TO EXPAND UNDERGROUND DISTRICT NO. 309, BUENA VISTA DISTRICT, BY ADDING BELVEDERE STREET BETWEEN HAIGHT AND WALLER, SEVENTEENTH STREET BETWEEN STANYAN AND SHRADER, AND STANYAN STREET BETWEEN RIVOLI AND SEVENTEENTH STREET.

Note: Additions or substitutions are underlined; there are no deletions.

Be it ordained by the People of the City and County of San Francisco:

Section 1. In accordance with the provisions of Section 900 et seq., of Part II, Chapter X, Article 18 of the San Francisco Municipal Code (Public Works Code), the Board of Supervisors does hereby amend Ordinances No. 51-79 and 298-86, creating Underground District No. 309, to read as follows:

UNDERGROUND DISTRICT NO. 309

(BUENA VISTA DISTRICT)

Stage One. Masonic Avenue from the southerly line of Oak Street to Roosevelt Way. Java Street, all, Upper Terrace from Buena vista Avenue to Clifford Terrace, Clifford Terrace from Upper Terrace to Roosevelt Way, Ashbury Terrace from Piedmont Street to Upper Terrace, Loma Vista Terrace, all, Piedmont Street, all.

Stage Two Ashbury Street from the southerly line of Waller Street to Clayton Street. Frederick Street from the easterly line of Clayton Street. Frederick Street from the easterly line of Clayton Street to Buena Vista Terrace.

Stage Three Waller Street from the easterly line of Stanyan Street to Buena Vista Avenue, Delmar Street, all.

Stage Four Downey Street and Clayton Street, both, from the southerly line of Waller Street to Ashbury Street. Roosevelt Way from Loma Vista Terrace to Seventeenth Street. Belvedere Street from Parnassus Avenue to Seventeenth Street. Woodland Avenue southerly line of Parnassus to westerly line of Willard. Stanyan Street northerly line of Belgrave to southerly line of Seventeenth Street. Belvedere Street northerly line of

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Frederick to southerly line of Frederick to southerly line of Waller Street. Shrader Street southerly line of Rivoli Street to northerly line of Belgrave Avenue. Cole Street southerly line of Seventeenth Street to southerly termination. Belvedere Street southerly line of Seventeenth Street to northerly line of Carmel. Carmel and Carmelita Streets all, Rivoli Street easterly line of Stanyan westerly line of Shrader. Clarendon Avenue from Sutro Forest to Johnstone Drive. Belvedere Street, southerly line of Haight Street to southerly line of Waller Street. Seventeenth Street easterly line of Stanyan Street to the westerly line of Shrader Street. Stanyan Street, southerly line of Rivoli Street to the southerly line of Seventeenth Street.

Section 2. The undergrounding of facilities within this underground district is in the general public interest because it will eliminate a heavy concentration of overhead wires in a scenic area and was requested by public petition and vote.

Section 3. All work in connection with the undergrounding of facilities lying within this underground district and subject to the laws with reference to underground districts is to be completed in accordance with the Department of Public Works Program; provided, however, that said work shall not be commenced until such time as construction has begun at the sites of all previously authorized petitioned underground districts.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney

DESCRIPTION APPROVED:

See File for Departmental Signature
Deputy Director to
Engineering and City Engineer

RECOMMENDED:

See File for Departmental Signature
Director of Public Works
and Clean Water Program

See File for Departmental Signature
Chief Administrative Officer

1864g

SUPERVISOR WILLIE B. KENNEDY 04/13/88

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 27, 1988	§	July 5, 1988
	§	
	§	
Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver	§	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Nelder Silver Ward
	§	
Absent: Supervisors Britt Walker Ward	§	Absent: Supervisors Maher Molinari Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

JUL 8 1988
Date Approved

Mayor

File No.
52-88-1

FILE NO. 97-88-45 ORDINANCE NO. 306-88

[Budget Time Limitations]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 3.5 THEREOF TO PROVIDE THAT THE BUDGET SHALL BE ADOPTED NOT LATER THAN JULY 26 OF EACH YEAR.

Note: Additions or substitutions are underlined; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Sec. 3.5 of the San Francisco Administrative Code is hereby amended to read as follows:

Sec. 3.5. TIME LIMITATIONS FOR APPROVAL OF BUDGET, SALARY AND APPROPRIATION ORDINANCES.

The Board of Supervisors shall:

(a) Not later than the 30th day of June, finally pass the interim appropriation ordinance and interim annual salary ordinance.

(b) Fix the dates, not less than ten days after receipt from the Mayor and not later than the ((twenty-first)) twenty-sixth day of July, for public hearing on the proposed budget and appropriation ordinance.

(c) Not earlier than the fifteenth day of July, meet for its consideration of the proposed budget, annual appropriation ordinance and annual salary ordinance.

(d) Not later than the ((twenty-first)) twenty-sixth day of July, adopt the budget as proposed by the Mayor, or as amended by the Board of Supervisors.

/ / /

/ / /

(e) On or before the twenty-sixth day of July, pass for second reading the annual appropriation ordinance and the annual salary ordinance.

(f) On or before the first day of August, finally pass the annual appropriation ordinance and the annual salary ordinance.

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APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 27, 1988	July 5, 1988
Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Ward	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Silver Ward
Absent: Supervisors Britt Walker	Absent: Supervisors Maher Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 97-88-45

JUL 8 1988
Date Approved

Mayor

Finance

FILE NO. 101-87-99

ORDINANCE NO. 307-88

R/O #7308 S.A. #162

(Government Funding)

APPROPRIATING $217,569 FOR EQUIPMENT PURCHASE AND RESCINDING $217,569 FROM EQUIPMENT PURCHASES, FIRE DEPARTMENT, FOR FISCAL YEAR 1987-88.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1987-88 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
31-03-00	Fire		
22-2201(530055)	Equipment	$217,569	
22-2201 (530055)	Equipment		$217,569
	Total	$217,569	$217,569

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

John C Farrell
CONTROLLER

MAY 25 1988

(JC-1175M-3)

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 27, 1988	July 5, 1988
Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Ward	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Nelder Silver Ward
Absent: Supervisors Britt Walker	Absent: Supervisors Hongisto Maher Molinari Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-87-99

JUL 8 1988
Date Approved

Mayor

FILE NO. 101-87-129

ORDINANCE NO. 308-88

RO #7346 SA #177

(Government Funding)

APPROPRIATING $5,289,319 TO REIMBURSE THE GENERAL FUND FOR PREVIOUSLY INCURRED COSTS RELATED TO THE TRANSIT IMPACT DEVELOPMENT FEE ORDINANCE, MUNICIPAL RAILWAY, FOR FISCAL YEAR 1987-88.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1987-88 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
31-002	Municipal Railway Transit Impact Development Fees		
35-00-00	Municipal Railway		
G.L. 495 (003448)	Use of Surplus	$5,289,319	
49-4900 (897298)	Revenue Transfer-Out to #31-001-Municipal Railway Operating Fund, #35-00-00, Municipal Railway		$5,289,319
	Total	$5,289,319	$5,289,319
31-001	Municipal Railway Operating Fund		
35-00-00	Municipal Railway		
99-9990 (216879)	Revenue Transfer From #31-002-Municipal Railway Transit Impact Development Fund, #35-00-00-Municipal Railway	$5,289,319	
98-9801 (196113)	Contribution Transfer From #01-001-General Fund, 99-00-00-General Fund		$5,289,319
	Total	$5,289,319	$5,289,319
01-001	General Fund Operating		
49-4900 (841601)	Contribution Transfer to #31-001 Municipal Railway Operating Fund, #35-00-00-Municipal Railway	$5,289,319	
G.L. 496 (000026)	Unappropriated Revenue Retained		
SUB. 000005	Balance Budget Reserve		$5,289,319
	Total	$5,289,319	$5,289,319

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY Maria E. Rosales
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
John C Farrell
CONTROLLER

lp-1244M

JUN 16 1988

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 27, 1988	July 5, 1988
Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Nelder Silver Ward
Absent: Supervisors Britt Walker Ward	Absent: Supervisors Maher Molinari Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
101-87-129

Date Approved JUL 8 1988

Mayor

FILE NO. 101-87-130

ORDINANCE NO. 309-88

RO # 7345 SA #176

(Government Funding)

APPROPRIATING $230,000 FOR HOME CONTRACTUAL ASSISTANCE, SOCIAL SERVICES, FOR FISCAL YEAR 1987-88, AND PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1987-88 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-291	Welfare Assistance and Administration		
45-00-00	Social Services		
60-6301 (045856)	Home Services - State Aid	$230,000	
49-4900 ( )	Revenue Transfer - Out to Fund #01-001, General Fund, #45-00-00 Social Services		$230,000
	Total	$230,000	$230,000
01-001	General Fund		
45-00-00	Social Services		
99-9990 ( )	Revenue Transfer - In From Fund #01-291, Welfare Assistance and Administration, #45-00-00, Social Services	$230,000	
15-1590 (647784)	Home Contractual Assistance		$230,000
	Total	$230,000	$230,000

Section 2. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previsously taken.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Diana E. Lesalio
DEPUTY CITY ATTORNEY

PUNDS AVAILABLE:

By John C Farrell
CONTROLLER

lp-1244M

JUN 14 1988

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JUL 22 1988
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Passed for Second Reading

Board of Supervisors, San Francisco

June 27, 1988

Ayes: Supervisors ~~Britt~~, Gonzalez, Hongisto, Hsieh, Kennedy, Maher, Molinari, Nelder, Silver, ~~Walker~~, ~~Ward~~.

~~Noes: Supervisors~~

Absent: Supervisors BRITT WALKER WARD

John L. Taylor Clerk

JUL 8 1988

101-87-130
File No.

Approved

Read Second Time and Finally Passed

Board of Supervisors, San Francisco

July 5, 1988

Ayes: Supervisors Britt, Gonzalez, Hongisto, Hsieh, Kennedy, ~~Maher~~, Molinari, Nelder, Silver, ~~Walker~~, Ward.

~~Noes: Supervisors~~

Absent: Supervisors MAHER WALKER

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor Clerk

Mayor

AS AMENDED IN COMMITTEE
6/16/88

FILE NO. 114-88-3 ORDINANCE NO. 310-88

[EARTHQUAKE PREPAREDNESS AND SAFETY PLANS FOR HIGHRISE BUILDINGS]
AMENDING PART II, CHAPTER I OF THE SAN FRANCISCO MUNICIPAL CODE (BUILDING CODE) BY AMENDING SECTION 207 THEREOF TO DIRECT THE SEISMIC INVESTIGATION AND HAZARD SURVEY ADVISORY COMMITTEE TO RESEARCH AND DEVELOP EARTHQUAKE PREPAREDNESS AND SAFETY PLANS FOR BUILDINGS DEFINED AS "HIGH-RISE BUILDINGS" UNDER THE SAN FRANCISCO FIRE CODE.

GJ 6/16/88

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NOTE: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter I of the San Francisco Municipal Code (Building Code) is hereby amended by amending Section 207 thereof to read as follows:

Seismic Investigation and Hazard Survey Advisory Committee.

Sec. 207. (a) Establishment. There is hereby created an advisory committee to the Board of Supervisors to be known as the Seismic Investigation and Hazard Survey Advisory Committee (hereinafter referred to in this section as "the Committee") whose function and purpose shall be to keep the Board ((appraised)) apprised of updated seismic hazard information, to review and recommend engineering and planning criteria necessary for the reduction of seismic hazard related to geology, ((to recommend criteria for seismic investigation and instrumentation, geology,)) to recommend criteria for seismic investigation and instrumentation, to study, subject to the provisions of Chapter 7 of the San Francisco Administrative Code, post-disaster operating plans and reconstruction criteria, ((and)) to recommend to the Board of Supervisors such legislation as the Committee deems necessary to improve structural resistance to, and to minimize the risks associated with, seismic disturbances((.)), and to research and develop earthquake preparedness and safety plans specifically for buildings of any type of construction or occupancy having floors (as measured from the top of the floor surface) used for human occupancy located more than 75 feet above the lowest floor level having building access.

GJ 6/16/88

(b) Composition; Terms; Qualifications; Appointments; Chairman. The Committee shall consist of 16 members appointed by the Director, subject to the approval of the Chief Administrative Officer and the Board of Supervisors, and shall serve at the pleasure of said Board for three year terms. The members holding office at the time of adoption of this code shall continue in office until the expiration of their terms. The qualifications of such members shall be as follows: three shall be expert in the field of structural engineering, two shall be expert in the field of geology, two shall be expert in the field of soils engineering, two shall be expert in the field of architecture, one shall be expert in the field of seismology, one shall be expert in the field of fire protection, one shall be expert in the field of electrical engineering, one shall be expert in the field of mechanical engineering, one shall be expert in the field of rehabilitation contracting, one shall be expert in the field of real estate loans, and one shall be expert in the field of housing relocation. The Chairman of the Committee shall be selected by the members of the Committee.

Appointments to the Committee shall be made from nominations made by technical associations including the Structural Engineers Association of Northern California for the structural engineering members; the American Society of Civil

BOARD OF SUPERVISORS

Engineers, San Francisco Section, for the soils engineering members; the Association of Engineering Geologists, San Francisco Section, for the geologist members; the American Institute of Architects, San Francisco Chapter, for the architect members; the Seismological Society of America, for the seismologist members; the Society of Fire Protection Engineers for the fire protection member and the Consulting Engineers Association of California for the electrical engineering and the mechanical engineering members.

The compensation for members shall be $25 for each meeting attended. The Board of Supervisors shall provide funds to compensate the members of the Committee and for payment of such incidental stationery and reproduction expenses as may be reasonably necessary to enable the Committee to carry out its powers and duties as set forth herein.

The Director of Planning, the City Architect, the City Engineer, the Director of Emergency Services, the Chief of the Bureau of Fire Prevention and Public Safety, and the Superintendent of the Bureau of Building Inspection who shall be Secretary of the Committee, shall be ex-officio members of the Committee, to serve without compensation and without vote.

(c) Meetings. The Committee shall meet not less than quarterly each year, at places, dates and times as prescribed by the Chairman. All meetings shall be open to the public.

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BOARD OF SUPERVISORS

(d) Report. The Committee shall report its findings and recommendations to the Board of Supervisors at yearly intervals.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 27, 1988	July 5, 1988
Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Ward	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Silver Ward
Absent: Supervisors Britt Maher Silver Walker	Absent: Supervisors Maher Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 114-88-3

JUL 8 1988
Date Approved

Mayor

(SECOND DRAFT)

FILE NO. 117-88-1 ORDINANCE NO. 311-88

(Earthquake Preparedness Plans)

AMENDING PART II CHAPTER VI OF THE SAN FRANCISCO MUNICIPAL CODE (FIRE CODE) BY AMENDING SECTIONS 12.202, 12.203 AND 12.204 THEREOF AND BY ADDING APPENDIX VI-E THERETO, ESTABLISHING THE PREPARATION AND CONTENTS OF EARTHQUAKE PREPAREDNESS FIRE AND DISASTER PLANS.

NOTE: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter VI of the San Francisco Municipal Code (Fire Code) is hereby amended by amending Sections 12.202, 12.203 and 12.204 thereof, to read as follows:

Sec. 12.202. Fire Alarm Drills and ((Evacuation)) Emergency Plans, Where Required.

(a) Public Assembly.

1. The manager of all theatres and places of public assembly requiring a fire department permit shall draft and present an exit drill plan to the chief of division for the evacuation of such occupancy.

2. An earthquake preparedness, fire and disaster plan shall be prepared, in coordination with the San Francisco Office of Emergency Services, and be presented to the Chief of Division for review. Guidelines for plan preparation are included as Appendix VI E to this code.

3. The facility owner or manager shall be responsible for drilling the facility staff at least once each year in the conduct of the earthquake preparedness plan.

(b) Educational Occupancies.

1. The manager of any educational occupancy shall draft and present for approval an exit drill plan to the chief of division for the evacuation of such occupancy.

2. Exit drills within any educational occupancy shall be conducted as often as required by, and conform to the applicable provisions of, Title 19, CAC.

3. The manager of any educational occupancy shall draft and present an emergency procedure manual to the chief of division. Such manual shall establish approved procedures for occupants of the building during any earthquake, bomb threat, or hazardous material release.

4. There shall be at least one earthquake drill within any educational occupancy each school semester.

(c) Institutions.

1. The chief administrative officer or manager of every institution, as defined in this code, shall have in effect and available to all supervisory personnel, written copies of a plan for the protection of all persons in the event of fire and for their evacuation from the building and to areas of refuge when necessary.

(d) Residential.

1. The manager of any hotel which requires a local fire alarm shall draft and present for approval an exit drill plan to the chief of division for the evacuation of such occupancy.

2. All hotel operators shall conspicuously post

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BOARD OF SUPERVISORS

in each sleeping room a clearly legible floor plan showing the arrangement of exits and the direction of travel to reach each exit. A red spot or other identifying mark shall be placed on each such floor plan indicating the location of the sleeping room in relation to the exits.

3. The manager of any hotel under the provisions of Section 2.202 shall establish or cause to be established in coordination with the San Francisco Office of Emergency Services, procedures to be followed in case of earthquake emergency.

(e) Other Occupancies.

1. All owners of high rise buildings shall establish or cause to be established procedures to be followed in case of fire, earthquake, or other emergency. All such procedures shall be reviewed and approved by the chief of division.

2. The owner or the management of any high rise building shall be responsible for conducting an emergency drill at least once each year. Such drill shall require the participation of all building staff. Records of all such drills shall be maintained and be made available to the chief of division upon request.

3. All owners of any occupany in which a local fire alarm is required shall establish or cause to be established an exit drill plan for the evacuation of the building by the occupants. All such plans shall be submitted to and be approved by the chief of division.

Sec. 12.203. Fire Safety Director

(a) The owner of each high rise building as defined in

Title 24, CAC, and any occupancy required by Title 19, CAC, shall designate a fire safety director who is not qualified to serve as such until he or she is certified by the San Francisco Fire Department ((upon)) as having successfully ((completing)) completed the requirements of the San Francisco Fire Department's fire safety director training program. All such certification shall be renewed at least once every five years.

Sec. 12.204. Training of Employees and Occupants

(a) The owner shall train and drill all employees of any building requiring a local fire alarm system in the duties they are to perform in case of fire, panic, earthquake, or other emergency.

(b) The owner shall train and drill all employees of any place of public assembly in the duties they are to perform in case of fire, panic, earthquake, or other emergency.

Section 2. Part II, Chapter VI of the San Francisco Municipal Code (Fire Code) is hereby amended by adding Appendix VI-E thereto, reading as follows:

APPENDIX VI-E

EARTHQUAKE PREPAREDNESS, FIRE AND DISASTER PLAN

A written disaster plan for fires, earthquakes, disasters involving hazardous material, and other emergencies shall be adopted and followed. The plan shall incorporate evacuation procedures appropriate to the disaster scenario, and shall be developed with the assistance of qualified fire safety experts. To ensure consistency with existing city and county disaster plans, the San Francisco Office of Emergency Services shall be contacted for assistance and plan review. A copy of the plan shall be available on the premises for review and use by staff members and emergency response agencies.

The plan shall provide procedures to be followed in the event of community and area-wide disasters. The disaster plan shall be reviewed at least annually and revised as necessary to ensure currency of plan. The plan shall contain the following elements:

1) A statement of its purpose and objectives.
2) Guidelines for establishing a building/company emergency committee.
3) A building/company organization and line of authority chart.
4) Procedures for the assignment of personnel to specific tasks and responsibilities.
5) Procedures for recalling key personnel.
6) Notification priority procedures for staff members, tenants and others in the building. Names and telephone numbers shall be included.
7) Procedures for using alarm systems, signals and alert systems.
8) Procedures for maintaining building security.
9) Public information dissemination procedures.
10) Evacuation and relocation plans and procedures, including evacuation routes and assembly areas for disaster scenarios including fires and earthquakes.
11) Procedures for maintaining a record of relocation for each business and individual.
12) A list of emergency utilities and supplies, including gas, electricity, water, food and their location.
13) Contact phone numbers for emergency fire, police and medical support.

14) Procedures for administering self-help and emergency medical care.
15) The location of fire-extinguishers and other emergency supplies.

An evacuation/relocation plan shall be posted in many places on each floor of the building. The evacuation/relocation plan shall include:

1. Evacuation/relocation routes;
2. Location of fire alarm boxes;
3. Location of fire extinguishers; and
4. Emergency telephone numbers.

The building or company shall participate in local emergency drills and test exercises conducted by disaster or emergency services agencies.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

Deputy City Attorney

5519j

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
June 27, 1988	$	July 5, 1988
	$	
	$	
Ayes: Supervisors Gonzalez Hongisto	$	Ayes: Supervisors Britt Gonzalez
Hsieh Kennedy Maher Molinari	$	Hongisto Hsieh Kennedy Molinari
Nelder Silver	$	Nelder Silver Ward
	$	
Absent: Supervisors Britt Walker	$	Absent: Supervisors Maher Walker
Ward	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
117-88-1

JUL 8 1988
Date Approved

Mayor

FILE NO. 123-88-2 ORDINANCE NO. 312-88

(Dual Street Names)

AMENDING PART II, CHAPTER 10 OF THE MUNICIPAL CODE (PUBLIC WORKS CODE) BY ADDING SECTION 701 THERETO REQUIRING THE DEPARTMENT OF PUBLIC WORKS, UPON A STREET NAME CHANGE, TO ERECT STREET SIGNS INDICATING THE NEW AND FORMER NAMES OF A STREET.

Note: This section is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter 10 of the San Francisco Municipal Code (Public Works Code) is hereby amended by adding Section 701 thereto as follows:

SEC. 701. Street Signs - Indication of Street Name Change.

Whenever the Board of Supervisors, by resolution, changes the name of a street, the Department of Public Works shall erect street signs indicating both the new and the former names of the street. The new street name shall be in large letters and the former name in smaller letters beneath it. Unless the resolution changing the name of a street specifies that the double street name shall be permanent, the street signs indicating both street names shall remain posted for five years and then be replaced with signs indicating only the new street name.

Approved as to Form:

LOUISE H. RENNE, CITY ATTORNEY

By Theodore R Loker
Deputy City Attorney

0146g/41

SUPERVISOR WALKER

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JUL 22 1988

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 27, 1988	July 5, 1988
Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Nelder Silver Ward
Absent: Supervisors Britt Walker Ward	Absent: Supervisors Maher Molinari Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
123-88-2

JUL 8 1988
Date Approved

Mayor

FILE NO. 45-88-47 ORDINANCE NO. 313-88

RO #7341

(SETTLEMENT OF LAWSUIT)

AUTHORIZING SETTLEMENT OF LITIGATION OF DAVIN FULLER AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $220,000.00.

Be it ordained by the People of the City and County :

Section 1. The City Attorney is hereby authorized to settle the action entitled "DAVIN FULLER V. CITY AND COUNTY OF SAN FRANCISCO, et al., United States District Court No. C85-7962 TEH, by the payment of $220,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRANK JORDAN, Chief

APPROVED:

POLICE COMMISSION

Secretary

FUNDS AVAILABLE:

JOHN FARRELL
Controller
01 001 97 09 38
309781 1450 $220,000.00

JUN 09 1988

DOCUMENTS DEPT.
JUL 22 1988
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 5, 1988	July 11, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Nelder Silver Ward	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward
Absent: Supervisors Maher Molinari Walker	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-88-47

JUL 17 1988
Date Approved

Mayor

FILE NO. 45-88-35

ORDINANCE NO. 314-88

RO #7275

[SETTLEMENT OF LAWSUIT]
AUTHORIZING SETTLEMENT OF LITIGATION OF JOHN FREDERICKS, JR., AND MICHAEL ROBERTS V. DAVID CONCI, CITY AND COUNTY OF SAN FRANCISCO, FOR $10,000.00

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "JOHN FREDERICKS, JR., AND MICHAEL ROBERTS V. DAVID CONCI, CITY AND COUNTY OF SAN FRANCISCO, et al., Alameda County Superior Court No. 612-371-0, by the payment of $10,000.00 (Ten Thousand Dollars).

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED

DEPARTMENT OF PUBLIC WORKS

RICHARD J. EVANS, Director

FUNDS AVAILABLE:

CONTROLLER

01 001 97 09 90
309674 1450 $10,000.00
Funds subject to approval of Supplemental Appropriation Request No. 115, RO #7247.

MAY 09 1988

APPROVED:

CHIEF ADMINISTRATIVE OFFICER

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JUL 22 1988
SAN FRANCISCO PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 5, 1988	July 11, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Nelder Silver Ward	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward
Absent: Supervisors Maher Molinari Walker	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-88-35

JUL 17 1988
Date Approved

Mayor

AMENDED IN COMMITTEE
6/29/88

FILE NO. 45-88-36

ORDINANCE NO. 315-88

RO #7285

AUTHORIZING SETTLEMENT OF LITIGATION OF ELIZABETH MARTINEZ, et al. vs. CITY AND COUNTY OF SAN FRANCISCO and LAWRENCE ENGEL, et al. vs. CITY AND COUNTY OF SAN FRANCISCO for ~~$35,000.~~ $25,000.

GJ 6/29/88

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the actions entitled ELIZABETH MARTINEZ, et al. vs. CITY AND COUNTY OF SAN FRANCISCO, United States District Court No. C87-5169 and LAWRENCE ENGEL, et al. vs. CITY AND COUNTY OF SAN FRANCISCO, United States District Court No. C87-5167, by the payment of ~~$35,000.~~ $25,000.

GJ 6/29/88

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRANK JORDAN
Chief of Police

APPROVED:

SAN FRANCISCO POLICE COMMISSION

WILLIE E. FRAZIER
Secretary

FUNDS AVAILABLE:

JOHN CARRELL
Controller

4970T/np 01 001 97 09 38 309781 1450 $35,000.00

Funding subject to approval of Supplemental Appropriation Request No. 115 RO #7247.

MAY 11 1988

DOCUMENTS DEPT.
JUL 22 1988
SAN FRANCISCO PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading

July 5, 1988

Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Nelder Silver Ward

Absent: Supervisors Maher Molinari Walker

Finally Passed

July 11, 1988

Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward

Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-88-36

JUL 17 1988
Date Approved

Mayor

AS AMENDED IN COMMITTEE
6/29/88

FILE NO. 97-88-35 ORDINANCE NO. 316-88

(Recording Fees)

AMENDING CHAPTER 8 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING THERETO SECTION 8.24-3 TO PROVIDE FOR AN ADDITIONAL FEE FOR FILING PRELIMINARY 20-DAY NOTICES TO BE USED TO DEFRAY THE COST OF MAILING NOTICES REQUIRED BY STATE LAW.

Note: Additions are not underlined. This section is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 8 of the San Francisco Administrative Code is amended by adding Section 8.24-3 thereto, to read as follows:

SEC. 8.24-3. ADDITIONAL FEE FOR FILING OF PRELIMINARY 20-DAY NOTICES

(a) In addition to all other fees authorized by law for the recording, filing or indexing of instruments, papers or notices, the Recorder is hereby authorized to charge a fee of ~~twenty~~ fifteen dollars ~~($20.00)~~ $15.00 for the filing of a preliminary 20-day notice pursuant to Section 3097, subdivision (o), paragraph (1) of the California Civil Code.

GJ 6/29/88

(b) The additional ~~twenty~~ fifteen dollar ~~($20.00)~~ $15.00 fees that are collected by the Recorder pursuant to subsection (b) of this Section 8.24-3 are to be used exclusively to defray the cost of implementing and maintaining a system to facilitate compliance with Section 3097, subdivision (o), paragraph (2) of the California Civil Code, which requires the mailing of certain notices to persons filing preliminary 20-day notices.

GJ 6/29/88

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Section 2. This ordinance is authorized by and enacted pursuant to California Government Code Section 27361.9.

RECOMMENDED:

Chief Administrative Officer

DOCUMENTS DEPT.
JUL 22 1988
SAN FRANCISCO PUBLIC LIBRARY

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By Judith E. Hellmann
Deputy City Attorney

6114w

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 5, 1988	July 11, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Silver Ward	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward
Absent: Supervisors Maher Walker	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 97-88-35

JUL 17 1988
Date Approved

Mayor

FILE NO. 97-88-36 ORDINANCE NO. 317-88

[Library Official Memberships)

AMENDING ARTICLE I, CHAPTER 16 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 16.6-17, 16.6-17.1, 16.6-17.2, AND 16.6-17.3 THEREOF, RELATING TO THE REPRESENTATION OF THE PUBLIC LIBRARY IN CERTAIN ORGANIZATIONS.

Note: Additions or substitutions are <u>underlined</u>; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article I, Chapter 16 of the San Francisco Administrative Code is hereby amended by amending Sections 16.6-17, 16.6-17.1, 16.6-17.2, 16.6-17.3, to read as follows:

SEC. 16.6-17. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS -- PUBLIC LIBRARY.

American Association of Museums.

American Association for State and Local History.

((American Catholic Historical Society.))

((American Historical Association.))

((American Irish Historical Society.))

American Library Association Library Dues.

American Management Association.

((American Society for Testing Materials))

((Shiplover Society of Victoria))

((Arkansas Historical Association))

((Association for Recorded Sound Collections))

((Astronomical Society of the Pacific))

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SEC. 16.6-17.1 REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS -- PUBLIC LIBRARY (CONTINUED).

<u>Bay Area Library and Information System</u>

((Bibliographical Society of America.))

((Book Club of California.))

((Boston Museum of Fine Arts.))

((Buffalo And Erie County Historical Society.))

((Butte County Historical Society.))

((Calaveras County Historical Society.))

((California Historical Society.))

<u>California Alliance of Information and Referral Services.</u>

<u>California Association of Library Trustees and Commissioners</u>

<u>Urban Libraries</u>.

California Library Association - Library.

California Library Association - Trustees.

((California Library Authority for Systems and Services.))

((Champlain Society of Toronto, Canada.))

((Chinese Historical Society.))

Conference of California Historical Societies.

<u>Co-operative Library Agency for Systems and Services.</u>

((M.H. DeYoung Memorial Museum))

((English Folk Dance and Song Society.))

((Filson Club.))

((Fresno County Historical Society))

((Friends of the Bancroft Library))

((Hawaiian Historical Society.))

((Historical Society of Southern California.))

((Humboldt County Historical.))

((Idaho Historical Society.))

((Illinois State Historical Society.))

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International Association of Metropolitan City Libraries.
International Association of Music Libraries.
International Federation of Library Associations.
((Kentucky Historical Society.))
((Kern Historical Society.))
((Limited Editions Club.))

SEC. 16.6-17.2. (LIBRARY MEMBERSHIPS, CONTINUED).
((Marin County Historical Society.))
((Mariposa County Historical Society.))
((Maryland Historical Society.))
((Michigan State Historical Society.))
((Museum of Modern Art.))
((Nantucket Historical Society.))
((National Association of Accountants.))
((National Education Association.))
((National Planning Association.))
((National Safety Council.))
((Nautical Research Guild.))
((Nebraska State Historical Society.))
((Nevada State Historical Society.))
((Nova Scotia Historical Society.))
((Old Dartmouth Historical Society.))
((Oral History Association.))
((Oregon Historical Society.))
((Organization of American Historians.))

SEC. 16.6-17.3. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS -- PUBLIC LIBRARY (CONTINUED).
((People for Space.))

((Placer County Historical Society.))
Public Library Executives of Central California.
((Puget Sound Maritime Historical Society.))
((Sacramento Book Club of California.))
((Sacramento Historical Society.))
((San Diego Historical Society.))
((San Fernando VAlley Historical Society.))
San Francisco Museum of Art.
((San Francisco Negro History and Cultural Society.))
((San Mateo County.Historical Society.))
((Santa Barbara Historical Society.))
((Santa Cruz Historical Society.))
((Shasta Historical Society.))
((Siskiyou County Historical Society.
Society of Architectural Historians.
((Society for Asian Art.))
((Society for Asian Music.))
((Solano County Historical Society.))
Special Libraries Association-Institutional.
((State Historical Society of Colorado.))
((State Historical Society of Iowa.))
((State Historical Society of Missouri.))
((State Historical Society of Wisconsin.))
((Steamship Historical Society of America.))
((Sutter County Historical Society.))
((Technical Association of the Pulp and Paper Industry.))
((Theater Library Association.))
((Tuolumne County Historical Society.))
Urban Library Trustees Council.
((Utah State Historical Society.))

((Ventura County Historical Society.))

Western Association of Map Libraries.

Western Governmental Research Association.

((Wyoming State Historical Society.))

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

1954g

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
July 5, 1988	§	July 11, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Silver Ward	§	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward
Absent: Supervisors Maher Walker	§	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-88-36

JUL 17 1988
Date Approved

_____
Mayor

FILE NO. 97-88-37

ORDINANCE NO. 318-88

RO #7335

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE, ARTICLE XV, CASH REVOLVING FUNDS, SECTION 10.140, COUNTY CLERK DEPARTMENT, TO INCREASE SAID REVOLVING FUND TO $2,500.00

Be it ordained by the People of the City and County of San Franciso:

Section 1. The San Francisco Administrative Code, Article XV, is hereby amended to read as follows:

Section 10.140. Cash Revolving Funds - Authorized: County Clerk Department; $2,500.00 (($500.00)).

RECOMMENDED BY:

Donald W. Dickinson
County Clerk/Executive Officer

APPROVED:

Claude D. Perasso
Presiding Judge of the Superior Court

APPROVED AS TO FORM:

By: _____
Deputy City Attorney

FUNDS AVAILABLE:

John C Farrell
Controller
Funds subject to approval of Supplemental Request No. 172 RO #7323, for $2,000.00.

JUN 03 1988

DOCUMENTS DEPT.
JUL 22 1988
SAN FRANCISCO PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 5, 1988	July 11, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Silver Ward	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward
Absent: Supervisors Maher Walker	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-88-37

JUL 17 1988
Date Approved

Mayor

FILE NO. 101-88-4

ORDINANCE NO. 319-88

RO #8031 SA #8

(Government Funding)

APPROPRIATING $113,776 TO BE RESERVED FOR PUBLIC LIBRARY FOR FISCAL YEAR 1988-89.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1988-89 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$113,776	
41-00-00	Public Library		
G.L. 491	Unappropriated Revenue Retained		
Subsidiary 0000XX	Public Library Reserve		$113,776
	Total	$113,776	$113,776

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

John C Farrell
CONTROLLER

JUN 29 1988

ac(0721P88)

DOCUMENTS DEPT.
JUL 22 1988
SAN FRANCISCO
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 5, 1988	July 11, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Silver Ward	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward
Absent: Supervisors Maher Walker	Absent: Supervisors Hongisto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 101-88-4

JUL 17 1988
Date Approved

Mayor

FILE NO. 45-88-50 ORDINANCE NO. 320-88

RO #8030

AUTHORIZING SETTLEMENT OF LITIGATION IN SAN FRANCISCANS FOR REASONABLE GROWTH v. CITY AND COUNTY OF SAN FRANCISCO, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF A SETTLEMENT AGREEMENT

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled San Franciscans for Reasonable Growth v. City and County of San Francisco, San Francisco Superior Court No. 847-913, by entering into a stipulated judgment, and in accordance with the terms set forth in "Agreement Between the City and County of San Francisco and San Franciscans for Reasonable Growth," a copy of which is in Board File No. 45-88-50. San Franciscans for Reasonable Growth will be paid the sum of $75,000 in attorney's fees, plus $5,240 for costs of suit.

APPROVED AS TO FORM:
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By: [signature]
Deputy City Attorney

RECOMMENDED:

[signature]
CITY PLANNING

FUNDS AVAILABLE:

[signature]
CONTROLLER

01 001 97 09 29
331280 1450 $80,240.00

JUN 29 1988

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Gonzalez Hongisto Hsieh Kennedy Maher Nelder Silver Walker	Ayes: Supervisors Britt Hongisto Maher Nelder Silver Walker
Noes: Supervisors Molinari	Noes: Supervisors Molinari
Absent: Supervisors Britt Ward	Absent: Supervisors Gonzalez Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

[signature]
Clerk

File No. 45-88-50

JUL 20 1988
Date Approved

[signature]
ACTING Mayor

AMENDMENT OF THE WHOLE
6/29/88

FILE NO. 101-88-3

ORDINANCE NO. 321-88

R/O #8028
S.A. #7

(Government Funding)

APPROPRIATING $244,313 FOR PROGRAM PROJECT BUDGET (INDEPENDENT LIVING PROGRAM), SOCIAL SERVICES, FOR FISCAL YEAR 1988-89.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1988-89 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
04-231	State Grant Fund Group - Department of Health and Welfare		
45-00-00	Social Services		
65-6501 (047472)	Direct Grants - Federal and State Agencies	$244,313	
20-2010 (601054)	Program Project Budget		
Project 111-10	Independent Living Program	_____	$244,313
	Total	$244,313	$244,313

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

John C Farrell
CONTROLLER

JUN 29 1988

(jc#1160M 1)

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-88-3

JUL 20 1988
Date Approved

Nancy H. Walker
ACTING Mayor

AMENDMENT OF THE WHOLE
7/13/88.

FILE NO. 60-88-3

ORDINANCE NO. 322-88

(Special Election)

CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY AND COUNTY OF SAN FRANCISCO ON TUESDAY, NOVEMBER 8, 1988, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO A PROPOSITION TO INCUR THE FOLLOWING BONDED DEBTS OF THE CITY AND COUNTY FOR THE ACQUISITION, CONSTRUCTION OR COMPLETION BY THE CITY AND COUNTY OF SAN FRANCISCO OF THE FOLLOWING MUNICIPAL IMPROVEMENTS, TO WIT: $109,500,000 FOR ADDITIONS TO AND IMPROVEMENT OF THE PUBLIC LIBRARY AND BRANCH LIBRARIES OF THE CITY AND COUNTY OF SAN FRANCISCO; AND THAT THE ESTIMATED COST TO THE CITY AND COUNTY OF SAID MUNICIPAL IMPROVEMENTS IS AND WILL BE TOO GREAT TO BE PAID OUT OF THE ORDINARY ANNUAL INCOME AND REVENUE OF THE CITY AND COUNTY AND WILL REQUIRE EXPENDITURES GREATER THAN THE AMOUNTS ALLOWED THEREFOR BY THE ANNUAL TAX LEVY; RECITING THE ESTIMATED COSTS OF SUCH MUNICIPAL IMPROVEMENTS; FIXING THE DATE OF THE ELECTION AND THE MANNER OF HOLDING SUCH ELECTION AND THE PROCEDURE FOR VOTING FOR OR AGAINST THE PROPOSITIONS; FIXING THE MAXIMUM RATE OF INTEREST ON SAID BONDS AND PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY BOTH PRINCIPAL AND INTEREST THEREOF; PRESCRIBING NOTICE TO BE GIVEN OF SUCH ELECTION; CONSOLIDATING THE SPECIAL ELECTION WITH THE GENERAL ELECTION; AND PROVIDING THAT THE ELECTION PRECINCTS, VOTING PLACES AND OFFICERS FOR ELECTION SHALL BE THE SAME AS FOR SUCH GENERAL ELECTION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. A special election is hereby called and ordered to be held in the City and County of San Francisco on Tuesday, the 8th day of November, 1988, for the purpose of submitting to the electors of said city and county a proposition to incur bonded indebtedness of the City and County of San Francisco for the acquisition, construction or completion by the city and county of the hereinafter described municipal improvements in the amounts and for the purposes stated:

PUBLIC LIBRARY FACILITIES SYSTEM IMPROVEMENT BONDS, 1988, $109,500,000 in addition to pay the cost of additions to and improvement of a main public library and branch libraries of the City and County of San Francisco, including the acquisition, construction and reconstruction of public library facilities and all other works, property and structures necessary or convenient for such improvement and additions to the public library system of the City and County of San Francisco.

Section 2. The estimated costs of the municipal improvements described in Section 1 hereof were fixed by the Board of Supervisors by the following resolution and in the amount specified:

Public Library Facilities System Improvement Bonds, Resolution No. 545-88, $109,500,000.

That said resolution was passed by two-thirds or more of the Board of Supervisors and approved by the Mayor, and in said resolution it was recited and found that the sums of money specified were too great to be paid out of the ordinary annual income and revenue of the city and county in addition to the other annual expenses thereof or other funds derived from taxes levied for those purposes and will require expenditures greater than the amounts allowed therefor by the annual tax levy.

The method and manner of payment of the estimated costs of the municipal improvements described herein are by the issuance of bonds of the City and County of San Francisco in the principle amounts not to exceed the principal amounts specified.

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Said estimates of cost as set forth in said resolution are hereby adopted and determined to be the estimated costs of said improvements.

Section 3. The special election hereby called and ordered to be held shall be held and conducted and the votes thereat received and canvassed, and the returns thereof made and the results thereof ascertained, determined and declared as herein provided and in all particulars not herein recited said election shall be held according to the laws of the State of California and the Charter of the City and County of San Francisco providing for and governing elections in the City and County of San Francisco, and the polls for such election shall be and remain open during the time required by said laws.

Section 4. The said special election hereby called shall be and hereby is consolidated with the General Election of the City and County of San Francisco to be held Tuesday, November 8, 1988, and the voting precincts, polling places and officers of election for said General Election be and the same are hereby adopted, established, designated and named, respectively, as the voting precincts, polling places and officers of election for such special election hereby called, and as specifically set forth, in the official publication, by the Registrar of Voters of precincts, polling places and election officers for the said General Election.

The ballots to be used at said special election shall be the ballots to be used at said General Election and reference is hereby made to the notice of election setting forth the voting precincts, polling places and officers of election by the Registrar of Voters for the General Election to be published in the San Francisco Progress on or no later than October 31, 1988.

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Section 5. On the ballots to be used at such special election and on the punch card ballots used at said special election, in addition to any other matter required by law to be printed thereon, shall appear thereon the following, to be separately stated, and appear upon the ballot as a separate proposition:

"PUBLIC LIBRARY FACILITIES SYSTEM IMPROVEMENT BONDS, 1988. To incur a bonded indebtedness of $109,500,000 for the construction of a main public library and reconstruction of branch libraries of the City and County of San Francisco."

Each voter to vote for any of said propositions hereby submitted and in favor of the issuance of the Bonds, shall stamp a cross (X) in the blank space opposite the word "YES" on the ballot to the right of said proposition, and to vote against said proposition and against the issuance of the Bonds shall stamp a cross (X) in the blank space opposite the word "NO" on the ballot to the right of said proposition. On absent voters ballots, the cross (X) may be marked with pen or pencil.

If and to the extent that punch card ballot cards are used at said special election, each voter to vote for any said proposition shall punch the ballot card in the hole after the word "YES" to the right of said proposition, and to vote against said proposition shall punch the ballot card in the hole after the word "NO" to the right of said proposition.

Section 6. If at such special election it shall appear that two-thirds of all the voters voting on the proposition voted in favor of and authorized the incurring of a bonded indebtedness for the purposes set forth in said proposition, then such proposition shall have been accepted by the electors, and bonds shall be issued to defray the cost of the municipal improvements described herein.

Such bonds shall be of the form and character known as "serials," and shall bear interest at a rate not to exceed 12 per centum per annum, payable semiannually, provided, that interest for the first year after the date of any of said bonds may be payable at or before the end of that year.

The votes cast for and against each of said respective proposition shall be counted separately and when two-thirds of the qualified electors, voting on such proposition, vote in favor thereof, such proposition shall be deemed adopted.

Section 7. For the purpose of paying the principal and interest on said bonds, the Board of Supervisors shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until such bonds are paid, or until there is a sum in the Treasury of said city and county set apart for that purpose to meet all sums coming due for the principal and interest on said bonds, a tax sufficient to pay the annual interest on such bonds as the same becomes due and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal.

Section 8. This ordinance shall be published once a day for at least seven (7) days in the San Francisco Examiner, a newspaper published daily in the City and County of San Francisco, being the official newspaper of said city and county and such publication shall constitute notice of said election and no other notice of the election hereby called need be given.

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Section 9. The appropriate officers, employees, representatives and agents of the City and County of San Francisco are hereby authorized and directed to do everything necessary or desirable to the calling and holding of said special election, and to otherwise carry out the provisions of this ordinance.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Robert A. Kinsley
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 18, 1988	July 25, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker
Absent: Supervisors Hsieh Kennedy Ward	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
60-88-3

JUL 28 1988
Date Approved

Mayor

FILE NO. 45-88-38 ORDINANCE NO. 323-88

RO #7307

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF ROBERT LENT AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $12,500.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "ROBERT LENT V. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 879-483, by the payment of $12,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

DEPT. OF PUBLIC WORKS

RICHARD J. EVANS
Director

APPROVED:

RUDY NOTHENBERG
Chief Administrative Officer

FUNDS AVAILABLE:

JOHN FARRELL
Controller

01 001 97 09 90
309674 1450 $12,500.00
Funding subject to approval of Supplemental Appropriation Request No. 115 RO #7247.

MAY 25 1988

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

JUL 28 1988

Clerk

File No.
45-88-38

Date Approved

Mayor

FILE NO. 45-88-40 ORDINANCE NO. 324-88

RO #7330

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF INGE HERNREID AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $ 25,000.00 .

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "INGE HERNREID v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 877-441, by the payment of $25,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

RICHARD J. EVANS
Director

FUNDS AVAILABLE:

JOHN FARRELL
Controller

01 001 97 09 90
309674 1450 $25,000.00
489317

MAY 27 1988

Funding subject to approval of Supplemental Appropriation Request No. 115 RO # 7247.

APPROVED:

RUDOLF NOTHENBERG
Chief Administrative Officer

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-88-40

JUL 28 1988
Date Approved

Mayor

FILE NO. 45-88-41 ORDINANCE NO. 325-88

RO #7329

(Settlement of Lawsuit)

AUTHORIZING SETTLEMENT OF LITIGATION AND UNLITIGATED CLAIMS OF PRUDENTIAL INSURANCE COMPANY AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $273,140.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "PRUDENTIAL V. CITY AND COUNTY OF SAN FRANCISCO, et al., Superior Court No. 810-306 (A030845) covering tax year 1981-82, together with unlitigated claims for tax years 1982-83 through 1986-87, by the payment of $273,140.00

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Robert A. Kenealey

ROBERT A. KENEALEY
Assistant Chief Deputy City Attorney

RECOMMENDED:

ASSESSOR

Sam Duca

SAM DUCA

FUNDS AVAILABLE:

John C Farrell

CONTROLLER

50 064 08 01 01
029843 GL 211 0000
Subsidiary Acct 000114
$273,140.00

MAY 27 1988

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 18, 1988	July 25, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker Ward
Absent: Supervisors Hsieh Kennedy Ward	Absent: Supervisors Hongisto Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
45-88-41

JUL 28 1988
Date Approved

Mayor

FILE NO. 45-88-42 ORDINANCE NO. 326-88

RO #7336

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF INGER CONRAD AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $6,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "INGER CONRAD v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 868-058, by the payment of $6,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

RICHARD J. EVANS
Director

FUNDS AVAILABLE:

JOHN FARRELL
Controller

01 001 97 09 90
309674 1450 $6,000.00
Fund subject to approval of Supple-
3980t mental Request No. 115 RO #7247.

JUN 03 1988

APPROVED:

RUDOLF NOTHENBERG
Chief Administrative Officer

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-88-42

JUL 28 1988
Date Approved

Mayor

FILE NO. 45-88-43 ORDINANCE NO. 327-88

RO # 7337

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF KENNETH HARKNESS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $8,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "KENNETH HARKNESS V. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 866-945, by the payment of $8,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

RICHARD J. EVANS
Director

FUNDS AVAILABLE:

JOHN CARRELL 01 001 97 09 90
Controller 309674 1450 $8,000.00
Fund subject to approval of Supplemental Appropriation Request No. 115 RO #7247.
19671

JUN 03 1988

APPROVED:

RUDOLF NOTHENBERG
Chief Administrative Officer

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-88-43

JUL 28 1988
Date Approved

Mayor

FILE NO. 45-88-44 ORDINANCE NO. 328-88

RO #7344

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF FA NING YE AND YWEI MIAO LI AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $11,805.44.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "FA NING YE AND YWEI MIAO LI v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Municipal Court No. 937-973, by the payment of $11,805.44.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRANK JORDAN
Chief

FUNDS AVAILABLE:

JOHN FERRELL
Controller 01 001 97 09 38
309781 1450 $11,805.44

4533T/4

JUN 09 1988

APPROVED:

POLICE COMMISSION

SECRETARY

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-88-44

JUL 28 1988
Date Approved

Mayor

FILE NO. 45-88-45 ORDINANCE NO. 329-88

RO #7343

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF DOROTHY JOHNSON AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $80,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled " DOROTHY JOHNSON v. CITY AND COUNTY OF SAN FRANCISCO, et al.", Superior Court No. 880-544, by the payment of $80,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Kimberly A. Reiley by
KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

RECREATION AND PARK DEPARTMENT

Ernest L. Rinkle
MARY E. BURNS
General Manager

APPROVED:

RECREATION AND PARK COMMISSION

Shawn Marie Ross
SECRETARY

FUNDS AVAILABLE:

John C. Farrell
JOHN FARRELL
Controller

01 001 97 09 42
4413t/5 620245 1450 $80,000.00

JUN 09 1988

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor
Clerk

File No. 45-88-45

JUL 28 1988
Date Approved

Mayor

FILE NO. 45-88-46

ORDINANCE NO. 330-88

RO #7342

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF JEFFREY GOLDMAN AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $12,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "JEFFREY GOLDMAN v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 879-857, by the payment of $12,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRANK JORDAN
Chief

APPROVED:

POLICE COMMISSION

SECRETARY

FUNDS AVAILABLE:

JOHN FARRELL
Controller

5248t/4 01 001 97 09 38 309781 1450 $12,000.00

JUN 09 1988

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-88-46

JUL 28 1988

Date Approved

Mayor

FILE NO. 45-88-48

ORDINANCE NO. 331-88

RO # 8010

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF DENNIS PRESSON AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $12,500.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "DENNIS PRESSON v. CITY AND COUNTY OF SAN FRANCISCO, et al.," United States District Court No. C87-0319 RHS, by the payment of $12,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRANK JORDAN
Chief of Police

APPROVED:

POLICE COMMISSION

SECRETARY

FUNDS AVAILABLE:

JOHN CARRELL
Controller

01 001 97 09 38
309781 1450 $12,500.00

5057T/6

JUN 15 1988

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-88-48

JUL 28 1988

Date Approved

Mayor

FILE NO. 46-88-7 ORDINANCE NO. 332-88

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF MARIAN V. FRAZIER AND WILLIAM KRUTT v. TATE ACCESS FLOORING, ET AL., UPON RECEIPT OF THE SUM OF $16,960.12 AND AUTHORIZING DISMISSAL OF SAID LITIGATION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 821500 entitled "Marian V. Frazier and William Krutt, Plaintiffs, vs. Tate Access Flooring, et al., Defendants" by acceptance of the sum of $16,960.12.

Section 2. Upon receipt of said sum of $16,960.12, the City Attorney is authorized to dismiss said complaint.

APPROVED
AND RECOMENDED:

LOUISE H. RENNE
City Attorney

By _____
FRANK P. AGNOST, JR.
Deputy City Attorney

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By _____
PAM LEVESQUE
Executive Assistant to
General Manager

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
July 18, 1988	§	July 25, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker	§	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker Ward
Absent: Supervisors Hsieh Kennedy Ward	§	Absent: Supervisors Hongisto Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
46-88-7

JUL 28 1988
Date Approved

_____
Mayor

FILE NO. 46-88-8 ORDINANCE NO. 333-88

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF CALVIN DAVIS v. BOSTROM SEATING, INC., ET AL., UPON RECEIPT OF THE SUM OF $3,000.00 AND AUTHORIZING DISMISSAL OF SAID LITIGATION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 854534 entitled "Calvin Davis, Plaintiff, vs. Bostrom Seating, Inc., et al., Defendants" by acceptance of the sum of $3,000.00.

Section 2. Upon receipt of said sum of $3,000.00, the City Attorney is authorized to dismiss said complaint.

APPROVED AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Kimberley A. Reiley
KIMBERLEY A. REILEY
Chief Trial Attorney

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Pam Levesque
PAM LEVESQUE
Executive Assistant to
General Manager

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 18, 1988	July 25, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker Ward
Absent: Supervisors Hsieh Kennedy Ward	Absent: Supervisors Hongisto Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 46-88-8

JUL 28 1988
Date Approved

Mayor

Ord. No. 334, 335

One Cancelled.

FILE NO. 96-88-3 ORDINANCE NO. 336-88

(Sale of Property)

AUTHORIZING THE SALE OF 0.16± ACRES TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION.

Be It Ordained by the People of the City and County of San Francisco:

Section 1. In accordance with the recommendation of the Public Utilities Commission, the General Manager of Hetch Hetchy Water and Power and the Director of Property, the Board of Supervisors hereby declares that the public interest and necessity require the sale of 0.16± acres of Hetch Hetchy right of way for the widening of State Highway 108 in Modesto, Stanislaus County. The City will retain an easement to maintain in place Hetch Hetchy's existing facilities across State Highway 108 and preserve Hetch Hetchy's right to repair, construct new and/or replace their facilities within the Highway right of way.

Section 2. The subject property is outlined in red on the State of California, Department of Transportation Exhibit "A" and shall be conveyed to the State in accordance with the terms and conditions of the Right of Way Contract, copies of which are on file with the Clerk of the Board of Supervisors.

The Department of Transportation has requested that the City and County of San Francisco convey the subject property to the State of California without requiring the State to exercise its power of eminent domain.

Section 3. The sale and grant of said property rights will not affect the Master Plan or the eight priority policies of Section 101.1 of the City Planning Code.

Section 4. Pursuant to Section 7.401 of the City Charter, the Director of Property has made an appraisal of the value of said property rights. The State has offered to purchase said property rights for $2,500, which sum represents the fair market value for the property rights to be conveyed.

Section 5. The offer is hereby accepted and the Mayor and Clerk of the Board of Supervisors are authorized to execute the deed conveying said property rights to the State of California, Department of Transportation.

RECOMMENDED:

Director of Property

General Manager, Hetch Hetchy Water and Power

General Manager
Public Utilities Commission

Per P.U.C. Resolution #87-0457

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker	Ayes: Supervisors Britt Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Britt Hongisto Ward	Absent: Supervisors Gonzalez Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
96-88-3

JUL 28 1988
Date Approved

Mayor

FILE NO. 97-88-38 ORDINANCE NO. 337-88

(Public Health)

AMENDING ADMINISTRATIVE CODE BY AMENDING SECTION 16.6-10 THEREOF, ADDING CERTAIN ORGANIZATIONS TO THE MEMBERSHIP LIST OF THE DEPARTMENT OF PUBLIC HEALTH.

NOTE: Additions or substitutions are underlined; deletions are indicated by ((double parenthesis)).

Be it ordained by the people of the City and County of San Francisco:

Section 1. Section 16.6-10 of the San Francisco Administrative Code is hereby amended to read as follows:

Section 16.6-10 DEPARTMENT OF PUBLIC HEALTH

American College of Hospital Administrators
American College of Physicians
American Correctional Health Services
American Hospital Association
American Medical Association
American Psychiatric Association
American Public Health Association
American Trauma Society
Association of Western Hospitals
Bay Area County Alcohol Programs
California Association of County Drug Administrators
California Association of Hospital Admitting Managers
California Association of Homes for the Aging
California Association of Nutrition Directors for the Elderly
California Association of Public Hospitals
California Association of Rehabilitation Facilities
California Conference of Local Health Directors
California Association for Adult Day Services (CAADS)
California Association for Health Services at Home (CAHSAH)
California County Collectors Association
California Hospital Association

FILE NO. _____ ORDINANCE NO. _____

California Coalition of Rape Crisis Centers
California Society of Municipal Finance Officers
Coalition of Agencies Serving the Elderly
Council of Urban Health Providers
County Alcohol Program Administrators Association of California
National Association of Public Hospitals
National Association for City Drug Coordination
National Council of Community Mental Health Centers
National Family Planning and Reproductive Health Association
National Organization for Victims Assistance
North American Association of Alcoholism Programs
San Francisco County Medical Society
San Francisco Hospital Association
U.S. Conference of City Health Officers
Western Gerontological Society

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By Paula Jesson
Paula Jesson
Deputy City Attorney

RECOMMENDED:
HEALTH COMMISSION

Philip Lee
Philip Lee, M.D.
President

David Werdegar
David Werdegar, M.D. M.P.H.
Director of Health

Passed for Second Reading

Board of Supervisors, San Francisco

July 11, 1988

Ayes: Supervisors ~~Britt~~, Gonzalez, ~~Hongisto~~, Hsieh, Kennedy, Maher, Molinari, ~~Nelder~~, Silver, Walker, ~~Ward~~

Noes: Supervisors NELDER

Absent: Supervisors BRITT HONGISTO WARD

John L. Taylor Clerk

JUL 28 1988

97-88-38
File No.

Approved

Read Second Time and Finally Passed

Board of Supervisors, San Francisco

July 18, 1988

Ayes: Supervisors Britt, ~~Gonzalez~~, Hongisto, ~~Hsieh~~, ~~Kennedy~~, Maher, Molinari, ~~Nelder~~, Silver, Walker, ~~Ward~~

Noes: Supervisors NELDER

Absent: Supervisors GONZALEZ HSIEH KENNEDY WARD

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor Clerk

Mayor

Amended in Cmte. 7/13/88.

FILE NO. 97-88-46 ORDINANCE NO. 338-88

(PARATRANSIT FUND)
AMENDING CHAPTER 10 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 10.109-10, RELATING TO THE ESTABLISHMENT AND ADMINISTRATION OF A PARATRANSIT FUND:
Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 10 of the San Francisco Administrative Code is hereby amended by adding thereto Section 10.109-10 to read as follows:

SEC. 10.109-10. Paratransit Fund: Establishment of Fund. Acceptance of Gifts; Authorization to Expend; Interest; and Accrual of Monies in Fund.

(a) Establishment of Fund. There is hereby established a special fund in the treasury of the City and County of San Francisco to be known as the Paratransit Fund for the purpose of receiving all donations of money, property and personal services which may be offered to the City and County of San Francisco through the Public Utilities Commission for the use and benefit of the Paratransit Fund.

(b) Acceptance of Gifts. All donations of money, property and personal services which may from time to time be offered to the City and County of San Francisco are hereby accepted for such purpose.

(c) Authorization to Expend. Money, property and personal services comprising the Paratransit Fund shall be used and expended ~~in~~ at the ~~sole~~ discretion of the General Manager ~~of Public Utilities~~ and approved by the Public Utilities Commission, to provide and improve paratransit services provided by the San Francisco Municipal Railway.

(d) Interest. Interest earned from the Paratransit

7/13/88 BST

[illegible] become part of the principal and shall not be drawn from the fund for any purpose other than that for which the fund is established.

(e) Any unexpended balances remaining in the Paratransit Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the fund for the purposes recited herein.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By GEORGE E. KRUEGER
Utilities General Counsel

1825P

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 18, 1988	July 25, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Walker	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker
Absent: Supervisors Hsieh Kennedy Silver Ward	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 97-88-46

JUL 28 1988
Date Approved

Mayor

Amendment of the Whole
7/7/88

FILE NO. 97-88-47 ORDINANCE NO. 339-88

[Election Materials]

AMENDING ARTICLE VIII, CHAPTER 5, OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 5.71, 5.73-1 AND 5.73-2 THEREOF, RELATING TO DEADLINES FOR THE BALLOT SIMPLIFICATION COMMITTEE DIGEST, THE CONTROLLER'S FINANCIAL ANALYSIS AND THE CITY ATTORNEY'S STATEMENT OR QUESTION.

Be it ordained by the People of the City and County of San Francisco:

NOTE: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Section 1. Article VIII, Chapter 5, of the San Francisco Administrative Code is hereby amended by amending Sections 5.71, 5.73-1 and 5.73-2 to read as follows:

SEC. 5.71. POWERS AND DUTIES

The Committee shall have the power and duty to:

(a) Prepare a digest of any measure which is to be voted on at any election in the City and County. As used in this Article the term "measure" shall mean and include any proposed charter amendment submitted to the voters by the Board of Supervisors, any propostion to incur a bonded indebtedness of the City and County submitted to the voters by the Board of Supervisors, any propsition submitted to the voters by the Board of Education of the San Francisco Unified School District or by the Governing Board of the San Francisco Community College District, any ordinance or declaration of policy submitted to the voters by either the Mayor, the Board of Supervisors or by one-third of said Board or any proposition submitted to the voters of an initiative, referendum or recall petition.

(b) Prepare, with the assistance of the Registrar of Voters, the material set forth in Section 5.79 (e) of this Article.

(c) In the exercise of its powers and duties under this Article, the Committee shall have access to any appropriate officer, department, board or commission of the City and County for consultation and assistance.

(d) Digests of measures prepared by the Committee shall, not less than ((78)) 85 days prior to the election to which they relate, be transmitted by said Committee to the Registrar of Voters for printing and inclusion in the pamphlet provided for by Section 9.112 of the Charter and Section 5.78 of this Article.

SEC. 5.73-1. CONTROLLER'S FINANCIAL ANALYSIS.

(a) The Controller shall prepare an impartial financial analysis of any ballot measure to be submitted to the voters, which shall include the amount of any increase or decrease in the cost of government of the City and County and its effect upon the tax rate.

(b) The analysis shall be in a form appropriate for mailing to the voters with a sample ballot.

(c) The analysis of any ballot measure shall be transmitted to the Registrar of Voters not less than ((78)) 85 days prior to election to which it relates, for printing and inclusion in the pamphlet provided for by Section 9.112 of the Charter and Section 5.78 of this Article.

5.73-2 CITY ATTORNEY'S STATEMENT OR QUESTION.

(a) The City Attorney shall prepare a general statement of any ballot measure to be submitted to the voters, followed by the words "yes" and "no", so arranged that voters may indicate a choice upon the ballot.

(b) The general statement or question shall consist of not over 30 words.

(c) The general statement or question for any ballot measure shall be transmitted to the Registrar of Voters not less than ((78)) 85 days prior to the election to which it relates, for printing and inclusion in the pamphlet provided for by Section 9.112 of the Charter and Section 5.78 of this Article.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Theodore R. Lakey
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
July 18, 1988	§	July 25, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Walker	§	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker
Absent: Supervisors Hsieh Kennedy Silver Ward	§	Absent: Supervisors Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-88-47

JUL 28 1988
Date Approved

Mayor

Ordinance divided in cmte.
7/12/88

FILE NO. 97-88-48

ORDINANCE NO. 340-88

[Voter Pamphlets]

AMENDING ARTICLE VIII, CHAPTER 5, OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 5.74-1 AND BY ADDING SECTIONS 5.78-1 AND 5.86 THERETO, RELATING TO PUBLIC EXAMINATION OF MATERIALS PLACED IN VOTERS PAMPHLETS.

Be it ordained by the People of the City and County of San Francisco:

NOTE: Additions or substitutions are indicated by underlining; there are no deletions.

Section 1. Article VIII, Chapter 5 of the San Francisco Administrative Code is hereby amended by amending Section 5.74-1 to read as follows:

SEC. 5.74-1. BALLOT ARGUMENTS.

(a) The Registrar of Voters shall, between the 90th day and the 81st day prior to any election, publish, on three separate occasions, a notice in the official newspaper that arguments may be submitted for or against any measure to be voted upon at said election. Said notice need not include a description of said measures.

(b) The Registrar of Voters shall also distribute a news release relating to the submission of arguments to such other newspapers and radio and television stations as he or she deems will best inform persons of their right to submit such arguments, and to examine such arguments for a 10-day period as provided by Elections Code Section 5025 and San Francisco Administrative Code Section 5.78-1.

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Section 2. Article VIII, Chapter 5 of the San Francisco Administrative Code is hereby amended by adding Sections 5.78-1 and 5.86 to read as follows:

SEC. 5.78-1. BALLOT PAMPHLET: PUBLIC EXAMINATION.

For all materials to be placed in the voters pamphlet for an election, the 10 day period for public examination of election materials related to that election provided for in Elections Code Section 5025 shall commence on the 70th day prior to said election.

SEC. 5.86. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Article. The Board of Supervisors hereby declares that it would have passed this Article and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Article would be subsequently declared invalid or unconstitutional.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney

2529g

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 18, 1988	§	July 25, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker	§	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker
	§	
Absent: Supervisors Hsieh Kennedy Ward	§	Absent: Supervisors Hongisto Ward
	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-88-48

JUL 28 1988
Date Approved

Mayor

FILE NO. 118-88-2 ORDINANCE NO. 341-88

(Permits and Fees for Special Events)

AMENDING PART II, CHAPTER V (HEALTH CODE) OF THE SAN FRANCISCO MUNICIPAL CODE BY AMENDING SECTION 451 THERETO BY ADDING A DEFINITION FOR "SPECIAL EVENTS" AND BY AMENDING SECTION 452 THERETO RELATING TO APPLYING FOR A PERMIT FOR SPECIAL EVENTS AND AMENDING PART III OF THE SAN FRANCISCO MUNICIPAL CODE (MISC.) BY AMENDING SECTION 35 THERETO RELATING TO A FEE FOR HEALTH DEPARTMENT INSPECTION OF SPECIAL EVENTS AND BY AMENDING SECTION 249.11 THERETO RELATING TO TEMPORARY PERMITS AND FILING FEES FOR SPECIAL EVENTS.

NOTE: Additions or substitutions are <u>underlined</u>; deletions are indicated by ((double parenthesis)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Sections 451 and 452 of Part II, Chapter V of the San Francisco Municipal Code (Health Code) is hereby amended to read as follows:

SEC. 451. FOOD PREPARATION AND SERVICE ESTABLISHMENTS. (a) "Food preparation and service establishment" as defined in this section shall mean and include any restaurant or itinerant restaurant.

(b) "Restaurant" mean any coffee shop, cafeteria, short order cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, in-plant or employee eating establishment and any other eating establishment, organization, club, including Veterans' Club, boarding house, bed & breakfast establishments, guest house, caterer, which gives, sells or offers for sale, food to public, guests, patrons, or employees as well as kitchens or other food preparation areas in which food is prepared on the premises for serving or consumption on or off the premises, and requires no perishable food products that prepare food on the premises for sale directly to the public. The term "restaurant" shall not include itinerant restaurants, cooperative arrangements made by employees who purchase food or beverages for their own consumption and where no employee is assigned full time to care for or operate equipment used in such arrangement, or private homes: nor shall the term "restaurant" include churches, church societies, private clubs or other nonprofit associations of a religious, philanthropic, civic improvement, social, political, or educational nature, which purchase food, food products, or beverages or which receive donations of food, food products, or beverage for services without charge to their members, or for service or sale at a reasonable charge to their members or to general public at occasional fund-raising events, for consumption on or off the premises at which the food, food products, or beverages are served or sold, if the service or sale of such food, food products or beverages does not constitute a primary purpose or function of the club or association, and if no employee or member is assigned full time to care for or operate equipment used in such arrangements. "Bed and breakfast establishment" shall mean a "restricted food service transient occupancy establishment" as defined in Health and Safety Code Section 27535.5.

(c) "Itinerant restaurant" means any restaurant, operating from temporary facility, cart or vehicle, except those peddler wagons used for peddling as defined in Section 132(a) and (b) of Part III of the San Francisco Municipal Code, serving, offering for sale, selling or giving away food or beverage, and includes, but is not limited to, facility or vehicle where only wrapped sandwiches or other wrapped and packaged, ready-to-eat foods are served, and any mobile unit on which food is prepared and served.

(d) "Guest house" means any building or portion thereof occupied or intended, arranged, or designed for occupation by 35 or more guests where sleeping rooms and meals are provided to the guests for compensation and shall include "guest house", "residence club", "lodge", "dormitory", residence cooperative and any of its variants.

(e) "Boarding house" shall mean any building or portion thereof occupied or intended, arranged or designed for occupation by six or more but less than

35 guests where sleeping rooms and meals are provided to the guests for compensation and includes all private institutional type homes where inspection is made by the San Francisco Department of Public Health.

(f) The term "owner" or "owners" as used herein, shall mean those persons, partnerships, or corporations who are financially interested in the operation of a food preparation and service establishment.

(g) An "operator" as used herein shall mean any person engaged in the dispensing of or in assisting in the preparation of food, or a person otherwise employed in a food preparation and service establishment.

(h) "Director", as used herein, shall mean the "Director of Public Health of the City and County of San Francisco", and "Inspectors" shall mean the "Inspectors of the Department of Public Health", administered by said Director. The Director shall be responsible for the administration and enforcement of Sections 451 to 454, inclusive, of this Article and the rules and regulations relating thereto. The Director shall, after a public hearing, prescribe the rules and regulations relating thereto. Said rules and regulations shall be issued in pamphlet form. All such food preparation and service establishments shall be operated, conducted and maintained in accordance therewith.

(i) "Special Events" means any organized collection of food purveyors operating individually or as a group from within temporary facilities for a maximum 21 days within a 90 day period upon private or public property.

SEC. 452. APPLICATIONS FOR PERMITS, ETC. Any person, partnership or corporation shall, before opening or operating a food preparation and service establishment in the City and County of San Francisco, make an application in the manner and upon a form provided by the Director, giving the information and particular required by the Director.

If the applicant for any permit under this Section be a corporation, the application shall contain the names of its principal officers and such other particulars as the Director may require.

BOARD OF SUPERVISORS

The permit shall set forth the commercial uses permitted and shall be valid until suspended or revoked. Said permit shall not be transferable and shall be deemed revoked upon sale, transfer or assignment of the commercial uses for which the permit was issued.

The permit may at any time be suspended or revoked for cause after a hearing by the Department of Public Health. Upon suspension or revocation the premises for which the permit was issued shall be posted with the order of the Department.

If it be determined from said investigation and examination of the premises aforesaid that the applicant has not complied with any or all of the laws, rules and regulations pertaining thereto, and particularly the Health and Sanitary Laws and Regulations of the City and County of San Francisco, he shall be allowed a reasonable time within which to so comply therewith and his refusal or neglect to so comply shall be sufficient cause for denying the application.

Any denial of any such application or suspension or revocation of any permit shall be subject to an appeal to the Board of Permit Appeals. Said permit shall at all times be displayed on the premises. It shall be unlawful to maintain or operate a food preparation and service establishment within the City and County of San Francisco without having first obtained a permit issued and signed by the Department of Public Health to do so.

Applications for special events shall be submitted at least 2 weeks prior to the commencement of the event and the filing fees listed in Section 249.11, of Part III, San Francisco Municipal Code shall be collected not later than one week prior to the commencement of the event.

Section 2. Part III of the San Francisco Municipal Code (Misc.) is hereby amended by amdending Sections 35 and 249.11 to read as follows:

SEC. 35. FEE FOR INSPECTION BY THE HEALTH DEPARTMENT. (a) Unless

otherwise specifically provided, all fixed fees for inspection or permits which involve the Health Department shall be payable in advance annually.

A filing fee of (($50)) $159.00 payable in advance to the Health Department for each inspection for a permit is required for a first-time inspection of a premises or thing if such inspection is requested or required as a condition of the issuance of a first permit or of a first license, except applications for permits for ambulances, refuse trucks, swill trucks, fumigation site surveillance, soft-serve ice cream machines and hazardous material storage.

(b) When two or more food produce and marketing establishments and food preparation and service establishments, or any combination thereof, subject to inspection are located on the same premises and not contiguous to each other and are conducted by one owner whether person, firm or corporation, a permit shall be required for each such establishment.

(c) When the owner or lessee of premises where said class or classes of business are located or conducted does not directly or indirectly conduct the same, the owner or lessee of said premises shall not be required to obtain a permit for said premises or pay any fee imposed by this Section.

(d) A fee of $50 shall accompany any application for a special event referred to in Section 452(b) of the San Francisco Health Code.

(e) Exemptions. The following establishments are exempt, as set forth in Section 249.1 of this Code, from paying fees:

(1) Food preparation and service establishments used exclusively by day care facilities for children.

(2) Food preparation and service establishments funded through the San Francisco Commission on Aging for nutrition projects for older individuals.

SEC. 249.11. TEMPORARY PERMITS. Temporary permits will be granted to operate establishments under Section 248 - Food Product and Marketing Establishments and Section 249.1 - Food Preparation and Service Establishments

for a fee of $50, which will be effective for a period of one to 45 days.

Business concerns whose regular sales activities concern products or commodities other than food, but sell or give away food periodically for sales promotion purposes shall obtain a temporary permit prescribed by this Section.

Temporary permits will be granted to operate special events referred to Section 452(b) of the San Francisco Health Code upon payment of $25 per individual purveyor and/or operation for the first day, and $10 each day per individual purveyor and/or operation thereafter. A $50 filing fee will be charged to the organizer of the special event or to each food vendor when no special event organizer exists.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 11, 1988	July 18, 1988
Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Silver Walker
Absent: Supervisors Hongisto	Absent: Supervisors Hsieh Kennedy Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
118-88-2

JUL 28 1988
Date Approved

_____
Mayor

FILE NO. 179-88-3 ORDINANCE NO. 342-88

[Amending Agreement]

AMENDMENT OF AGREEMENT BETWEEN THE SAN FRANCISCO RECREATION AND PARK COMMISSION AND URBAN RESOURCE SYSTEMS TO PROVIDE FOR PAYMENT OF $1,000 PER MONTH EFFECTIVE JANUARY 1, 1988 FOR THE COLLECTION AND RECYCLING OF ORGANIC WASTE GENERATED BY THE SAN FRANCISCO ZOO.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings

1. Urban Resource Sytems is a nonprofit public benefit corporation which was formed to promote the conservation, protection and enhancement of the environment.

2. Urban Resource Systems entered into a five (5) year agreement ("the Agreement") with the City and County of San Francisco ("City") through its Recreation and Park Commission ("the Commission") on March 1, 1985 whereby Urban Resource Systems collects and recycles organic waste generated by the San Francisco Zoo.

3. Under the Agreement, Urban Resource Systems has not received monetary compensation from the City for its services.

4. Urban Resource Systems provides a valuable service to the Commission which saves the Commission costs and promotes the public interest in recycling.

5. Urban Resource Systems is operating the project at a deficit.

6. If Urban Resource Systems continues to operate the project without compensation it will be unable to provide its services to the City, thereby resulting in additional costs to the City.

7. Urban Resource Systems has requested the Commission and the Commission has agreed to amend the Agreement to provide for

payment of $1,000 per month effective January 1, 1988 for the collection and recycling of organic waste generated by the San Francisco Zoo.

Section 2. The Board of Supervisors approves the amendment to Provision 5 of the Agreement between the City and County of San Francisco through its Recreation and Park Commission under which the City and County of San Francisco shall pay Urban Resource Systems $1,000 per month effective January 1, 1988 for the collection and recycling of organic waste generated by the San Francisco Zoo. The copy of this Agreement and the amendment thereto is on file with the Clerk of the Board of Supervisors and is incorporated by this reference as though fully set forth herein and is hereby approved.

APPROVED AS TO FORM:
LOUISE H. RENNE
City Attorney

By: Mara E. Rosales
MARA E. ROSALES
Deputy City Attorney

1428g

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 18, 1988	§	July 25, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Maher Molinari Nelder Walker	§	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker Ward
	§	
	§	
Absent: Supervisors Hsieh Kennedy Silver Ward	§	Absent: Supervisors Hongisto Silver
	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
179-88-3

JUL 28 1988

Date Approved

Mayor

Amend[illegible] in Board 7/25/88

File No. 101-88-2

Ordinance No. 343-88

CITY AND COUNTY OF SAN FRANCISCO

CONSOLIDATED BUDGET

AND

ANNUAL APPROPRIATION ORDINANCE

FISCAL YEAR ENDING JUNE 30, 1989

File No. 102-88 As amended in Board 7/25/88
Ordinance No. 344-88

ORIGINAL

FISCAL YEAR 1988-89

AN ORDINANCE ENUMERATING POSITIONS IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1989, CONTINUING, CREATING OR ESTABLISHING THESE POSITIONS; ENUMERATING AND INCLUDING THEREIN ALL POSITIONS CREATED BY CHARTER OR STATE LAW FOR WHICH COMPENSATIONS ARE PAID FROM CITY AND COUNTY FUNDS AND APPROPRIATED IN THE ANNUAL APPROPRIATION ORDINANCE; AUTHORIZING APPOINTMENTS OR CONTINUATION OF APPOINTMENTS THERETO; SPECIFYING AND FIXING THE COMPENSATIONS AND WORK SCHEDULES THEREOF; AND AUTHORIZING APPOINTMENTS TO TEMPORARY POSITIONS AND FIXING COMPENSATIONS THEREFOR.

BE IT ORDAINED BY THE PEOPLE OF THE
CITY AND COUNTY OF SAN FRANCISCO.

SECTION 1. ESTABLISHMENT, CREATION AND CONTINUATION OF POSITIONS.

In accordance with the provisions of Section 6.207 of the Charter, the positions hereinafter enumerated under the respective departments are hereby created, established or continued for the fiscal year ending June 30, 1989. Positions created or authorized by charter or state law compensations for which are paid from City and County funds and appropriated in the annual appropriation ordinance are enumerated and included herein.

The word - position - or - positions - as used in the ordinance shall be construed to include - office - or - offices - and the word - employee - or employees - shall be construed to include - officer - or officers.

SECTION 1.1. APPOINTMENTS AND VACANCIES - PERMANENT POSITIONS.

Appointing officers as specified in the charter are hereby authorized, subject to the provisions of this ordinance, to make or continue appointments as needed during the fiscal year to permanent positions enumerated in their respective sections of this ordinance. Such appointments shall be made in accordance with the Civil Service provisions of the Charter. Appointing officers shall not make an appointment to a vacancy in a permanent position until the Mayor shall approve the requisition for such service as herein provided. Provided further that in order to prevent the stoppage of essential services the Civil Service Commission, under its rules, may authorize an emergency appointment pending approval or disapproval of the requisition by the Mayor, if funds are available to pay the compensation of such emergency appointee. The requisition for filling such positions shall be completed in quadruplicate, one copy to be retained by the department and the three remaining copies to be submitted immediately and simultaneously to the Controller, the Mayor and the Civil Service Commission. If the requisition is approved by the Mayor within two working days after the date of receipt of the requisition, he shall promptly transmit it to the

FILE NO. 127-88-1 ORDINANCE NO. 345-88

(Business Tax Registration Certificate)

AMENDING CHAPTER 12B OF PART III (MISCELLANEOUS) OF THE SAN FRANCISCO MUNICIPAL CODE (BUSINESS TAX ORDINANCE) BY AMENDING SECTIONS 1003, 1005.3, 1007 AND 1009.2 THEREOF TO REQUIRE ANNUAL RENEWAL OF BUSINESS TAX REGISTRATION CERTIFICATE AND PAYMENT OF FEE THEREFOR; AMENDING CHAPTER 2 OF PART III OF THE SAN FRANCISCO MUNICIPAL CODE BY AMENDING SECTIONS 23 AND 26 THEREOF REQUIRING ALL PERSONS, WHERE APPLICABLE, TO HAVE A CURRENT BUSINESS TAX REGISTRATION CERTIFICATE BEFORE OBTAINING OR RENEWING PERMITS; AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 6.23, 6.46, 6.47 AND 6.48 THEREOF AND ADDING SECTION 21.4-1 THERETO REQUIRING ALL CONTRACTORS AND VENDORS TO HAVE CURRENT BUSINESS TAX REGISTRATION CERTIFICATES; OPERATIVE DATE.

NOTE: Additional material is indicated by underlining; deletions are indicated by ((double parenthesis)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 12B of Part III (Miscellaneous) of the San Francisco Municipal Code is hereby amended by amending Sections 1003, 1005.3, 1007 and 1009.2 thereof to read as follows:

SEC. 1003. IMPOSITION OF TAX REGISTRATION. (a) Subject to the provisions of this ordinance, a business tax registration certificate must be obtained annually and displayed on the business premises by every person engaged in business within the City and County, regardless of whether or not such person is subject to tax hereunder.

Subject to the provisions of this ordinance, a business tax must be paid by every person engaged in any of the businesses specified in Sections 1004 through 1004.13 inclusive, ((or Section)) 1004.15 and 1004.16 of this ordinance within the City and County, and a business tax is hereby imposed in the amount prescribed in the applicable provision.

No person shall engage in any business subject to tax under the provisions of this ordinance, without obtaining a registration certificate and paying the tax required herein The business tax registration certificate required to be obtained and the tax required to be paid are hereby declared to be required pursuant to the taxing power of the City and County of San Francisco, solely for the purpose of obtaining revenue. Compliance with such requirements shall not be construed as a condition precedent to engaging in any business within the City and County where the imposition of such a condition precedent would be contrary to law.

(b) Business Tax Registration Certificate - Transfer.

No registration certificate shall be transferable, except where the business taxed is transferred, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership of the business after the transfer is substantially similar to the real or ultimate ownership existing before the transfer. For the purpose of this section, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity herein defined to be a person, are regarded as having the real or ultimate ownership of such corporation or other entity.

SEC. 1005.3 SMALL BUSINESS EXEMPTION. Notwithstanding any other provisions of this Business Tax Ordinance, except the provisions of Section 1009, "small business enterprises," as hereinafter defined, shall be exempt from taxation under this ordinance; provided, however, that small business enterprises shall

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pay the annual registration fee pursuant to Section 1007.

The term "small business enterprise" shall mean and include any taxpayer whose tax liability hereunder, but for this exemption provision, would not exceed $2,500.

When the annual revenues received by the city and county from the annual registration fee exceed $8.5 million, two hundred thousand dollars shall be reserved for the Mayor to consider expending for the benefit of the small business community in the city and county.

SEC. 1007. REGISTRATION CERTIFICATE.

(a) Every person engaging or about to engage in any business upon which a tax is imposed by the provisions of this ordinance shall immediately register with the Tax Collector on a form provided ((by him)) therefor. Persons engaged in such business must so register not later than 15 days after the date such tax becomes effective and is imposed as set forth in Section 1003(a) hereof, but such privilege or registration after the date of imposition of such tax shall not relieve any person from the obligation of payment of tax on and after the date of imposition thereof, regardless of registration. Such registration shall set forth the name under which such person transacts or intends to transact business, the location of ((his)) the registrant's place or places of business and such other information to facilitate the collection of the tax as the Tax Collector may require. The registration shall be signed by the owner if a natural person; in case of an association or partnership, by a member or partner; in case of a corporation, by a person authorized by the corporation to sign the registration.

(b) The Tax Collector shall within ((five)) ten days of such registration determine whether the registrant has paid all outstanding business, payroll or other unsecured taxes or license

fees to the City and County. If the Tax Collector determines that the registrant complies with this requirement, the Tax Collector shall issue ((without charge)), upon payment of a $200 registration fee, a certificate of authority to each registrant together with a duplicate thereof for each additional place of business of such registrant. The certificate shall be valid for one year and shall be renewed by the Tax Collector upon determination that the registrant has paid the preceeding year's tax obligations.

If there is a dispute regarding outstanding business, payroll or other unsecured taxes or license fees allegedly owed by the registrant to the City and County that is pending in administrative proceedings before the Tax Collector, then the registrant shall not be denied the issuance of a registration certificate by the Tax Collector due to the dispute while the dispute is pending in such administrative proceedings.

(c) Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the Tax Collector upon the cessation of business at the location named or upon its sale or transfer.

(d) For each year that a registrant is subject to tax liability pursuant to this article or Article 12A, the taxpayer may take the registration fee as a credit against the tax due that year on the form provided by the Tax Collector.

(e) If there are any taxes, license fees or other fees due and unpaid at the time of receipt of the registration form, the Tax Collector shall so inform the registrant in writing within ten business days of the receipt of said registration form setting forth the amount owed, the tax, license or fee for which the amount is

owed, the dates incurred and any other information the Tax Collector deems necessary fully to apprise the taxpayer of what taxes, licenses or other fees are owed.

SEC. 1009.2 PENALTIES FOR FAILURE TO FILE RETURN OR RESPONSE TO REQUEST FOR FINANCIAL INFORMATION OR FILE FOR AN ANNUAL REGISTRATION CERTIFICATE. Every person, including persons exempt from tax liability pursuant to Section 1005.3 (Small Business Exemption), who has failed to file a return with the Tax Collector as required by Section 1009(b), or has failed to respond to a written request for financial information, or has failed to file for an annual registration certificate shall be liable to the Tax Collector for a penalty in the amount of $100 for each tax year ((either)) a return or a response to a request for financial information or a registration form has not been received by the Tax Collector within the prescribed time limit. Said penalty shall be in addition to any other liability that may be imposed under the provisions of this Article.

Section 2. Chapter 2 of Part III of the San Francisco Municipal Code is hereby amended by amending Sections 23 and 26 thereof to read as follows:

SEC. 23. ACTION ON OTHER APPLICATIONS. All other applications for the issuance, transfer or revocation of permits shall be subject to action on or issuance by the department or office specified by law or ordinance: provided, however, that those classes of business or occupation required to secure quarterly or other periodical permits from the Police, Health or Fire Departments, respectively, as provided by ordinance shall, after

their original approval and issuance thereof by the department concerned, be subject to issuance by the Tax Collector for each successive period on the application of the person, firm or corporation conducting such business or occupation. ((Unless such department issuing the permit shall file written objection with the Tax Collector to such renewal or continuance,)) The Tax Collector is hereby authorized to issue the license for the next quarter or other period fixed by law or ordinance unless:

1. The department issuing the permit files written objection with the Tax Collector to such renewal or continuance;

2. The permittee does not have a current business tax registration certificate, when such business tax registration certificate is required pursuant to Section 1003 of Part III of the San Francisco Municipal Code.

In case of any such objection by the department concerned, or when the permittee does not have a current business tax registration certificate when so required by Section 1003 of Part III of the San Francisco Municipal Code, the license applied for shall not be continued or renewed by the Tax Collector, and the applicant therefor must file application with said department for the renewal or continuance of the original permit.

The Tax Collector shall, within forty-five days after the expiration of the period covered by any quarterly or other periodical permit, notify the department authorized to issue said permit of the failure of any permit holder to apply for a renewal or a continuance thereof, and shall likewise immediately notify the Chief of Police of any delinquency on the part of any permit holder in paying the fees required by law or ordinance for such permit.

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SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS. (a) In the granting or denying of any permit, or the revoking or the refusing to revoke any permit, the granting or revoking power may take into consideration the effect of the proposed business or calling upon surrounding property and upon its residents, and inhabitants thereof; and in granting or denying said permit, or revoking or refusing to revoke a permit may exercise its sound discretion as to whether said permit should be granted transferred, denied or revoked.

(b) A department authorized to issue or transfer permits shall not issue or transfer a permit to any person who does not have a current business tax registration certificate when such person is required to obtain a business tax registration certificate pursuant to Section 1003 of Part III of the San Francisco Municipal Code.

Section 3. The San Francisco Administrative Code is hereby amended by amending Sections 6.23, 6.46, 6.47 and 6.48 thereof to read as follows:

SEC. 6.23. INVESTIGATION OF BIDDER'S QUALIFICATIONS. The officer responsible for the awarding of any contract shall require from all bidders information concerning their experience and financial qualifications, as provided by general law relative to such investigations authorized by the Director of Public Works, and shall take such information into consideration in the award of any contract. No contract shall be awarded to a bidder who does not have a current Business Tax Registration Certificate.

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SEC. 6.46. CONTRACTORS AND SUBCONTRACTORS TO FURNISH QUALIFICATION. In the awarding of any contract or written order for any public work or improvement mentioned in this article, the awarding officer, board or commission shall require from all contractors and subcontractors offering or agreeing to perform any work on said public improvement, (1) proof of participation as a signatory to a recognized apprenticeship and/or training program under Chapter 4 (commencing at Section 3070), Division 3, of the California Labor Code and certified by the State of California Division of Apprenticeship Standards, where such programs exist for the work to be performed; (2) information concerning their experience, financial qualifications, including proof of a current Business Tax Registration Certificate, and ability to perform said contract or said subcontract; (3) information as to whether said contractor or subcontractor possesses, or can obtain in time to perform said contract or subcontract, the necessary equipment.

The apprenticeship provisions of this section shall not apply to contracts of general contractors involving less than $30,000 or 20 working days or to contracts of specialty contractors not bidding for work through a general or prime contractor, involving less than $2,000 or fewer than five working days.

SEC. 6.47. BID MAY BE REJECTED FOR LACK OF QUALIFICATIONS OR EQUIPMENT. Should said awarding officer, board or commission determine that said contractor or any subcontractor is not a signatory to a recognized apprenticeship and/or training program under Chapter 4 (commencing at Section 3070), Division 3, of the California Labor Code and certified by the State of California Division of Apprenticeship Standards, where such programs exist for the work to be performed, does not possess the necessary experience

and financial qualifications, including a current Business Tax Registration Certificate, to perform said contract or subcontract, or that he or she does not possess, or cannot obtain in due time the necessary equipment to perform said contract or subcontract, said awarding officer, board or commission may reject the bid of any such contractor and, should said determination affect only a subcontractor, then said awarding officer, board or commission may compel said contractor to substitute a subcontractor who is a signatory to a recognized apprenticeship and/or training program under Chapter 4 (commencing at Section 3070), Division 3, of the California Labor Code and certified by the State of California Division of Apprenticeship Standards, where such programs exist for the work to be performed, or who, in the opinion of said awarding officer, board or commission, possesses the necessary experience, financial qualifications, including a current Business Tax Registration Certificate, and equipment to perform the said subcontract.

The apprenticeship provisions of this section shall not apply to contracts of general contractors involving less than $30,000 or 20 working days or to contracts of specialty contractors not bidding for work through a general or prime contractor, involving less than $2,000 or fewer than five working days.

SEC 6.48. PROVISION IN BID OR OFFER FOR DESIGNATION OF SUBCONTRACTORS. Any officer, department, board or commission taking bids for the contruction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement

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that any person making a bid or offer to perform the work, shall, in his or her bid, set forth:

(a) The name, Business Tax Registration Certificate number and the location of the place of business of each subcontractor who will perform work or labor or render service to the general contractor in or about the contruction of the work or improvement in an amount in excess of one-half of one percent of the general contractor's total bid.

(b) A brief description of the work which will be done by each such subcontractor under this section.

(c) The amount to be paid to each subcontractor for his or her said work, labor or service.

Section 4. The San Francisco Administrative Code is hereby amended by adding Section 21.4-1 thereto as follows:

SEC. 21.4-1. VENDORS AND CONTRACTORS TO FURNISH BUSINESS TAX REGISTRATION CERTIFICATE NUMBER.

The Purchaser shall require each vendor's and contractor's current Business Tax Registration Certificate number and expiration date on all quotations and proposals.

Except in the event of an emergency as defined in Section 21.25 of this code, the Purchaser shall not award an order or a contract to any vendor or contractor who does not have a current Business Tax Registration Certificate.

Section 5. Operative Date. This ordinance shall become effective upon passage, as provided in Section 2.304 of the Charter, except that the fees provided for herein shall become operative on July 1, 1988, and shall not apply prior to said date.

Section 6. The tax increase imposed by this ordinance shall remain in effect only until July 1, 1990, and as of that date is repealed, unless the Board of Supervisors adopts an ordinance prior to July 1, 1990 continuing the tax increase.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By Theodore R. Foley
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Kennedy Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Silver Walker Ward
Noes: Supervisors Hsieh Maher Molinari Nelder	Noes: Supervisors Hsieh Maher Molinari Nelder
	Absent: Supervisors Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
127-88-1

AUG 4 1988
Date Approved

Art Agnos
Mayor

FILE NO. 41-88-10 ORDINANCE NO. 346-88

CONFIRMING REPORT OF ASSESSMENT COSTS SUBMITTED BY THE DIRECTOR OF PUBLIC WORKS FOR SIDEWALK AND CURB REPAIRS ORDERED TO BE PERFOMED BY SAID DIRECTOR PURSUANT TO SECTIONS 707 AND 707.1 OF THE PUBLIC WORKS CODE THE COSTS THEREOF HAVING BEEN PAID FOR OUT OF A REVOLVING FUND.

RESOLVED, That after public hearing on August 1, 1988 of any and all objections to the Director of Public Works' itemized Report of Assessment Costs for work done or caused to be done pursuant to the provisions of Section 707 and 707.1 of the Public Works Code of the City and County of San Francisco, the cost thereof having been paid for by the City and County out of a revolving fund, and after making such modifications, if any, as the Board of Supervisiors deemed necessary, the Board does hereby confirm said Report of Assessment costs as described in Department of Public Works Order No. 148-695 and be it

FURTHER RESOLVED, That a copy of this resolution and a copy of said itemized Report of Assessment Costs, and confirmed by the Board shall be transmitted to the Controller and Tax Collector of the City and County, whereupon it shall be the duty of said officers to add the amount of each assessment to the next regular bill for taxes levied against each respective parcel of land for municipal purposes, and thereafter each said amount shall be collected at the same time and in the same manner as ordinary City and County taxes are collected, and shall be subject to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary taxes of the City and County: and be it

FURTHER RESOLVED, That all monies received in payment of the assessments shall be credited to the revolving fund provided for in Section 706.8 of the Public Works Code, except that the portion of the assessments attributable to the cost of City Administration shall be credited to the Administrative Account of Sidewalk Repair revolving Fund (Index Code 040394, Funds 02-099 Project/Work Phase 002-11).

APPROVED:

Chief Administrative Officer

DESCRIPTION APPROVED:

for Deputy Director for Engineering and City Engineer

RECOMMENDED:

Director Public Works and Clean Water Program

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CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF PUBLIC WORKS

ORDER NO. 148,695

REPORT TO BOARD OF SUPERVISORS OF ASSESSMENT COSTS OF SIDEWALK AND CURB REPAIRS AT VARIOUS LOCATIONS, AND TRANSMITTING RESOLUTION TO SAID BOARD CONFIRMING SAID REPORT.

Pursuant to the provisions of Section 707 of Public Works Code, the Director of Public Works did cause the repair and replacement of sidewalks and curbs at various locations where the obligation to perform such repair or replacement is that of the property owners.

The following is an itemized Report of Assessment Costs for the work done:

ORDER NO. 5-87
COMPLETED: 3-18-88
AT: 4312 Kirkham BLOCK: 1806 LOT: 14
OWNER: Paul Turner & Denise Carrett
4312 Kirkham
San Francisco, CA. 94122

ASSESSMENT: 47.20 (Penalty)

ORDER NO. 6-87
COMPLETED: 3-18-88
AT: 1443 - 47TH Avenue BLOCK: 1806 LOT: 5
OWNER: William Finley
4026 - 18TH Street
San Francisco, Ca. 94114

ASSESSMENT: $1,045.00 = $950 + $95.00

ORDER NO. 7-87
COMPLETED: 3-18-88
AT: 1747 - 40TH Avenue BLOCK: 2009 LOT: 2-G
OWNER: Salem F. Araj
2416 Lincoln
Belmont, Ca. 94002

ASSESSMENT: $162.80 = $148.00 + $14.80

ORDER NO: 11-87
COMPLETED: 3-17-88
AT: 170 Avila BLOCK: 464-A LOT: 25
OWNER: Richard McKannay
170 Avila
San Francisco, Ca. 94123

ASSESSMENT: $374.00 = $340.00 + $34.00

ORDER NO. 12-87
COMPLETED: 3-17-88
AT: 301 Avila BLOCK: 440 LOT: 8
OWNER: Alan C. Su
301 Avila St.
San Francisco, Ca. 94123

ASSESSMENT: $44.00 = $40.00 + $4.00

ORDER NO. 15-87
COMPLETED: 3-17-88
AT: 508 Precita Avenue BLOCK: 5515 LOT: 29-A
OWNER: Fabio D. & Victor M. Torres
508 Precita Avenue
San Francisco, Ca. 94110

ASSESSMENT: $638.00 = $580.00 = $58.00

ORDER NO. 18-87
COMPLETED: 3-17-88
AT: 815-17 Washington ST. BLOCK: 210 LOT: 43
OWNER: C.Y. Jung
331 Athol Avenue
Oakland, Ca. 94606

ASSESSMENT: $44.00 = $40.00 + $4.00

ORDER NO. 24-87
COMPLETED: 3-18-88
AT: 3040 Jackson BLOCK 975 LOT: 7
OWNER: Ranwich S. Calderhead
825 Pollard Road #203
Los Gatos, Ca. 95030

ASSESSMENT: $316.80 = $288.00 + $28.80

ORDER NO. 30-87
COMPLETED: 3-18-88
AT: 377-379 Hayes BLOCK: 816 LOT: 23
OWNER: Thomas Horn
950 Rockdale Dr.
San Francisco, Ca. 94127

ASSESSMENT: $79.00 = $72.00 + $7.00

ORDER NO. 40-88
COMPLETED: 3-17-88
AT: 145 Marina BLOCK: 436-B LOT: 1-G
OWNER: Robert L. Walling
c/o Wells Fargo Bank #939
420 Montgomery St.
San Francisco, Ca. 94104

ASSESSMENT: $198.00 = $180.00 + $18.00

ORDER NO. 44-88
COMPLETED: 3-17-88
AT: 275 Avila St. BLOCK: 441-A LOT: 1-C
OWNER: Bena E. Winning
275 Avila St.
San Francisco, Ca. 94123

ASSESSMENT: $363.00 = $330.00 + $33.00

ORDER NO. 45-88
COMPLETED: 3-17-88
AT: 377 Marina BLOCK: 419-A LOT: 20
OWNER: Martin & Debra Guajaro
601 Montgomery St. #1217
San Francisco, Ca. 94111

ASSESSMENT: $158.40 = $144.00 + 14.40

ORDER NO. 51-88
COMPLETED: 3-18-88
AT: 1443 Francisco St. BLOCK: 481 LOT: 36
OWNER: Yvonne T. Slee
1443 Francisco St.
San Francisco, Ca. 94123

ASSESSMENT: $374.00 = $340.00 + $34.00

ORDER NO. 503-88
COMPLETED: 4-6-88
AT: 1227-31 Folsom St. BLOCK: 3756 LOT: 44
OWNER: Kent Kockos
c/o Skyline Realty
2101 Market St.
San Francisco, Ca. 94114

ASSESSMENT: $699.60 = $636.00 + $63.60

ORDER NO. 510-88
COMPLETED: 4-6-88
AT: 149-155 9TH St. BLOCK: 3728 LOT: 48
OWNER: Glenn A. Storek
149 9TH ST.
San Francisco, Ca. 94103

ASSESSMENT: $1,294.70 = $1,177.00 + $117.70

ORDER NO. 514-88
COMPLETED: 4-4-88
AT: 1174 Revere St. BLOCK: 5338 LOT: 23
OWNER: Jack M. LaClaire
41 Tamalpais Ave.
San Anselmo, Ca. 94960

ASSESSMENT: $1,108.80 = $1,008.00 + $100.80

ORDER NO. 516-88
COMPLETED: 4-4-88
AT: 1775 Revere St. BLOCK:5345 LOT: 25
OWNER: Walter & Barbara Renner TR
2835 Raston Avenue
Hillsborough, Ca. 94010

ASSESSMENT: $435.60 = $396.00 + $39.60

ORDER NO. 523-88
COMPLETED: 4-6-88
AT: 1104 Bryant St. BLOCK: 3525 LOT: 86
OWNER: Henry G. & Katherine Theisen
1610 Harrison St.
San Francisco, Ca. 94103

ASSESSMENT: $1,570.80 = $1,428.00 + $142.80

ORDER NO. 525-88
COMPLETED: 4-4-88
AT: 340-342 11TH St. BLOCK: 3521 LOT: 5
OWNER: David L. Jeannine Kirkert
21 Crest Rd.
Lafayette, Ca. 94549

ASSESSMENT: $2,680.70 = $2,437.00 + $243.70

ORDER NO. 526-88
COMPLETED: 4-6-88
AT: 1307 Harrison St. BLOCK: 3525 LOT: 77
OWNER: William R. & Dane C. Phillips
c/o P & S Sales
1370 Harrison St.
San Francisco, Ca. 94103

ASSESSMENT: $66.00 = $60.00 + $6.00

ORDER NO. 527-88
COMPLETED: 4-4-88
AT: 866-870 Valencia St. BLOCK: 3597 LOT: 9
OWNER: Gunther Gopp
473 Ellis St.
San Francisco, Ca. 94102

ASSESSMENT: $1,276.00 = $1,160.00 + $116.00

ORDER NO. 528-88
COMPLETED: 4-4-88
AT: 529-533 Valencia St. BLOCK: 3569 LOT: 45
OWNER: Angel & Esperanza Vega-Lasso
338 Skyline Dr.
Daly City, Ca. 94015

ASSESSMENT: $611.60 - $556.00 + $55.60

Each of the above assessments include the expense of the work plus 10 percent thereof to cover the cost of City Administration.

The above owners have failed, refused or neglected to reimburse the City for the cost of the Work. Therefore, it is recommended that, pursuant to provisions of Section 707. 1 of the Public Works Code, the Board of Supervisors schedule a hearing to consider this report and hear any objections which may be raised by any property owner liable to be assessed for the expense described in this report.

Transmitted herewith for the Board's consideration is the following:

Proposed Resolution Confirming Report of Assessment Costs of Sidewalk and Curb Repairs at Various Locations.

Richard J. Evans
Director of Public Works
and Clean Water Program

APPROVED: 6-17-88

DISTRIBUTION:
Department Files (2)
Board of Supervisors (3) (signed)
Chief Administrative Officer (1)
Accounts (1)

Adopted - Board of Supervisors, San Francisco August 1, 1988

Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Maher Molinari
Nelder Silver Walker Ward

Absent: Supervisors Kennedy

I hereby certify that the foregoing resolution
was adopted by the Board of Supervisors
of the City and County of San Francisco

Clerk

AUG 2 1988

File No.
41-88-10

Date Approved

Mayor

Amended in Cmte. 7/6/88.

FILE NO. 101-88-5

ORDINANCE NO. 347-88

RO# 8023 SA# 6

(Government Funding)

7/6/88 BST APPROPRIATING ~~$456,735~~ $415,213 FOR CAPITAL IMPROVEMENT PROJECT (CONVERSION OF EXISTING PARKING METERS), PARKING AUTHORITY, FOR FISCAL YEAR 1988-89.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1987-88 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
02-071	Off-Street Parking Fund		
7/6/88 BST G.L. 490 (003327)	Unappropriated Revenue	$415,213 ~~$456,735~~	
36-00-00	Parking Authority		
21-2030 (353144)	Capital Improvement Project		
Project 501-01	Conversion of Existing Parking Meters		$415,213 ~~$456,735~~
	Total	$415,213 ~~$456,735~~	$415,213 ~~$456,735~~

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
John C Farrell
CONTROLLER

JUN 29 1988

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Molinari Nelder Silver Walker Ward
Noes: Supervisors Maher	Noes: Supervisors Maher
	Absent: Supervisors Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 101-88-5

AUG 2 1988
Date Approved

Mayor

AMENDMENT OF THE WHOLE
7/14/88

FILE NO. 123-88-3 ORDINANCE NO. 348-88

(Building Permit)

AMENDING PART II, CHAPTER 10 (PUBLIC WORKS CODE) OF THE SAN FRANCISCO MUNICIPAL CODE BY AMENDING SECTIONS 1003, 1004, 1005, 1006 and 1012 THEREOF, REQUIRING APPLICANTS FOR CERTAIN BUILDING PERMITS TO ANALYZE THE SOIL FOR THE PRESENCE OF HAZARDOUS WASTES.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter 10 (Public Works Code) of the San Francisco Municipal Code is hereby amended by amending Sections 1003, 1004, 1005, 1006 and 1012 thereof to read as follows:

SEC. 1003. SOIL ANALYSIS REPORT. (a) A report prepared by the persons conducting the soil sampling and analyses shall be submitted to the Director and the Director of Public Health. The applicant also shall submit the results of the report to the California Department of Health Services and the San Francisco Bay Regional Water Quality Control Board. The report shall include the following information:

1. The names and addresses of the persons and the certified laboratory that conducted the soil sampling, the soil analysis and prepared the report;

2. An explanation of the sampling and testing methodology;

3. The results of the soil analyses;

4. Whether any of the analyses conducted indicate the presence of hazardous wastes. If so, the report shall list the hazardous wastes and, for each, the level detected and the state and federal minimum standards, if any;

5. The state and federal agencies to which the presence of the hazardous wastes has been reported and the date of the report;

6. If no analyses were conducted pursuant to Section 1002(b)10, a statement that the certified laboratory, after examination of the site history, has no reason to conclude that hazardous wastes other than those listed in Section 1002 were likely to be present on the site.

7. A statement indicating whether the site is listed on the National Priorities List of hazardous waste sites, published by the Environmental Protection Agency pursuant to the federal Comprehensive Environmental Resources Compensation and Liability Act, 42 U.S.C. Section 9604(c)(3), or listed as a hazardous substance release site by the California Department of Health Services pursuant to the California Hazardous Substances Account Act, Health and Safety Code Section 25356.

(b) The Director of Public Health shall determine whether the site history, soil sampling and analyses required by Section 1002 were conducted and whether the report required by Section 1003(a) is complete. If the site history, soil sampling or analyses were not conducted or the report does not comply with the requirements of this Article, the Director of Public Health shall notify the applicant in writing within 30 days of receipt of the report, indicating the reasons the report is unacceptable. A copy of the notification shall be sent to the Director of Public Works.

(c) The site history and report shall become a part of the permit file.

(d) The Director of Public Works may issue any permits or addenda to site permits necessary to carry out the soil sampling.

SEC. 1004. PERMIT APPROVAL. Except for site permits issued pursuant to San Francisco Building Code Section 303(g), ((O))once

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the Director of Public Health has determined that the required site history, soil sampling and analyses were conducted and the report contains the information required by Section 1003, the Director of Public Works may approve or disapprove the application subject to the terms and limitations of this Section. The Director of Public Works may issue a site permit pursuant to San Francisco Building Code Section 303(g) prior to the time an applicant complies with this Article, provided, however, that the Director of Public Works shall not issue any addenda pursuant to Building Code Section 303(g), except addenda necessary to carry out the soil sampling or site mitigation measures required by this Article, until the applicant has complied with all applicable provisions of this Article. The holder of a site permit and any addenda necessary to comply with this Article shall proceed with approved addenda work at his own risk, without assurance that approvals for the remaining addenda or for the entire building will be granted.

(a) If the soil sampling and analysis report indicates that there are no hazardous wastes present in the soil, the Director of Public Health shall provide the applicant and the Director of Public Works with written notification that the applicant has complied with the requirements of this Article. The Director of Public Works may thereafter approve or disapprove the building permit application.

(((b) If the report indicates that hazardous wastes are present for which there are no quantitative federal or state standards, the applicant shall make a written request to the applicable agency for a written determination as to whether a site mitigation plan is required. The applicant shall submit a copy of this request and any written determination to the

Director of Public Works and the Director of Public Health. Upon receipt of a written determination that a site mitigation plan is not required, the Director of Public Works may thereafter approve or disapprove the building permit application.))

(b) If the soil sampling and analysis report indicates that the site is listed on the National Priorities List or the list of hazardous substances release sites published by the California Department of Health Services, the project applicant shall provide to the Director of Public Health certification or verification from the appropriate federal or state agency that any site mitigation required by the federal or state agency has been completed and complete the certification procedure set forth in Section 1005. After receipt of the certification required by Section 1005, the Director of Public Health shall provide the applicant and the Director of Public Works with written notification that the applicant has complied with the requirements of this Article. Thereafter, the Director of Public Works may approve or disapprove a building permit.

(c) ((If the report indicates that the level of any hazardous waste exceeds quantitative federal or state minimum standards or there is a determination under Subsection (b) that a site mitigation plan is required,)) Unless subsection (b) is applicable, if the soil sampling and analysis report indicates that hazardous wastes are present in the soil, the applicant shall do the following before the Director of Public Works may approve or disapprove the building permit application:

1. Submit a site mitigation ((plan)) report prepared by a qualified person to ((and obtain approval of that plan from the appropriate state or federal agency. The applicant shall submit a copy of the site mitigation plan to)) the Director of Public

Works and the Director of Public Health. ((and indicate the date the plan was submitted to the state or federal agency;))

A. For the purposes of this section, a qualified person is defined as one or more of the following who is registered or certified by the State of California: soil engineer, civil engineer, chemical engineer, engineering geologist, geologist, hydrogeologist, industrial hygienist or environmental assessor.

B. The site mitigation report shall contain the following information:

i. A determination by the qualified person as to whether the hazardous wastes in the soil are causing or are likely to cause significant environmental or health and safety risks, and if so, recommended measures that will mitigate the significant environmental or health and safety risks caused or likely to be caused by the presence of the hazardous waste in the soil. If the report recommends mitigation measures it shall identify any soil sampling and analysis that it recommends the project applicant conduct following completion of the mitigation measures to verify that mitigation is complete.

ii. A statement signed by the person who prepared the report certifying that the person is a qualified person within the meaning of this section and that in his or her judgment either no mitigation is required or the mitigation measures identified, if completed, will mitigate the significant environmental or health and safety risks caused by or likely to be caused by the hazardous wastes in the soil.

2. Complete the site mitigation ((in compliance with all the requirements imposed by that agency)) measures identified by the qualified person in the site mitigation report. The Director of Public Works may issue any permits or addenda to site permits

necessary for the applicant to carry out the site mitigation ((plan)) measures; and

3. Complete the certification procedure set forth in Section 1005. After receipt of the certification required by Section 1005, the Director of Public Health shall provide the applicant and the Director of Public Works with written notification that the applicant has complied with the requirements of this Article.

(((d) If the state or federal agency has not determined whether site mitigation is necessary within six months from the date the applicant seeks a determination from the state pursuant to Subsection (b) herein, or the state or federal agency has not approved or disapproved the site mitigation plan within 12 months from the date the plan was submitted, the Director of Public Works shall notify the City Attorney and the City Attorney may institute a legal proceeding against the property owner and the applicant seeking declaratory relief that hazardous waste is present on the property, that the presence of hazardous waste constitutes a public nuisance and the City may not proceed with the processing of the application until the site mitigation plan has been approved by the appropriate state or federal agency and the applicant has certified that the mitigation measures have been completed.))

(((e))) (d) For the purposes of completing the requirements of this Article, the time limitations set forth in Section 303(a)1.B. of the San Francisco Building Code do not apply.

SEC. 1005. CERTIFICATION. (a) Upon completion of site mitigation, the applicant shall certify under penalty of perjury to the Director of Public Health that:

1. ((It has performed all elements of the mitigation plan))

The qualified person has determined in the site mitigation report that no hazardous wastes in the soil are causing or are likely to cause significant environmental or health and safety risks, and the qualified person recommends no mitigation measures; or

2. The applicant has performed all mitigation measures recommended in the site mitigation report, and has verified that mitigation is complete by conducting follow-up soil sampling and analysis, if recommended in the site mitigation report; or

3. If Section 1004(b) is applicable, the applicant has received certification or verification from the appropriate state or federal agency that mitigation is complete.((; and

2. It has applied for and obtained, to the extent available, certification or verification from competent state and federal authorities that mitigation measures have been completed in compliance with the approved site mitigation plan and where required, it has conducted follow-up soil sampling and analysis.)) Copies of the state or federal verification shall be submitted.

(b) The certification from the applicant shall also contain the following declaration:

"The applicant recognizes that it has a nondelegable duty to perform ((the work called for in the)) site mitigation ((plan)); that it, and not the City, is responsible for ((compliance with the plan)) site mitigation; that it, not the City, attests to and is responsible for the accuracy of the representations made in the certification, and that it will continue to remain liable and responsible, to the extent such liability or responsibility is imposed by state and federal law, for its failure to ((comply with)) perform the site mitigation.((plan.))"

The certification shall become a part of the permit file.

(c) For a site as described in Section 1004(b), ((C))certification by ((the)) a competent state or federal agency that mitigation measures have been properly completed shall constitute a conclusive determination and shall be binding upon the Director of Public Health.

SEC. 1006. COMPLETED APPLICATION. No building permit application subject to the requirements of this Article shall be complete, for the purposes of Government Code Sections 65950 et seq., until the applicant submits to the Department of Public Works written notification from the Director of Public Health that:

(a) The Director of Public Health has reviewed and accepted as complete the soil analysis report required by Section 1003, and

(b) One of the following conditions is satisfied;

1. The report indicates that no ((state or federal standards are exceeded,)) hazardous wastes are present in the soil, or

2. ((If the report indicates that hazardous wastes are present for which there are no quantitative state or federal standards, the Director of Public Health has received a written determination from the appropriate state or federal agency that a site mitigation plan is not required, or

3. If the report indicates that the level of any hazardous waste exceeds quantitative state or federal minimum standards or there is a determination under Section 1004(b) that a site mitigation plan is required, the Director of Public Health has received certification from the applicant in accordance with the provisions of Section 1005 that the site mitigation plan is approved and the mitigation is completed.)) The report indicates

that hazardous wastes are present in the soil and the applicant has submitted certification in accordance with the provisions of Section 1005 that site mitigation, if necessary, is complete.

SEC. 1012. PERMIT WARNING. All building permits issued by the Central Permit Bureau shall bear the following printed warning:

WARNING

Pursuant to Article 20 of Chapter 10, Part II of the San Francisco Municipal Code (Public Works Code), certain building permits may be issued only after the permittee analyzes the soil for the presence of hazardous wastes and, where applicable, ((seeks approval of mitigation measures from federal and state authorities and)) certifies that it has complete((s))d ((the)) site mitigation. No officer, employee, or agency of the City conducted the soil sampling and analyses, recommended site mitigation measures, ((or)) conducted the site mitigation or checked or verified ((them)) the reports submitted or work performed for accuracy, reliability or adherence to protocols.

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In issuing this permit, neither the City nor any of its officers or employees make any representation that the soil on or about the site is free from the presence of hazardous wastes. Nor does the City's implementation of this process relieve any person from their duties and responsibilities relating to hazardous waste contamination under state and federal law. Neither soil analysis pursuant to Article 20 of the Public Works Code nor the issuance of this permit is intended to alter, extinguish, or transfer these responsibilities.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

Elaine C. Warren
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
Absent: Supervisors Ward	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

AUG 2 1988
Date Approved

Mayor

File No.
123-88-3

FILE NO. 124-88-1 ORDINANCE NO. 349-88

(Parking Meter Rates)

AMENDING SECTION 203.1, 203.2, 203.3 AND 203.4 OF ARTICLE 12 OF THE SAN FRANCISCO TRAFFIC CODE TO INCREASE THE RATES FOR PARKING METERS WITHIN PARKING METER AREAS NUMBER ONE, TWO, THREE AND FOUR.

[Note: Additions or substitutions are underlined; deletions are indicated by ((double parentheses)).]

Be it ordained by the People of the City and County of San Francisco:

Section 1. Sections 203.1, 203.2, 203.3 and 203.4 of the San Francisco Traffic Code are hereby amended to read as follows:

SEC. 203.1. PARKING METER RATES--PARKING METER AREA NUMBER ONE. The rates for parking meters in Parking Meter Area Number One shall be as follows:

(a) Thirty minute meter shall take a

(1) Five-cent piece (nickel), which shall allow a parking time period of ((three)) two minutes following the deposit of such coin, and such deposit of five-cent pieces may be repeated for a like period of time until 30 minutes have been expended; or a

(2) Ten-cent piece (dime), which shall allow a parking time period of ((six)) four minutes following the deposit of such coin, and such deposit of 10-cent pieces may be repeated for a like period of time until 30 minutes have been expended; or a

(3) Twenty-five-cent piece (quarter), which shall allow a parking time period of ((15)) 10 minutes following the deposit of such coin, and such deposit of 25-cent pieces may be repeated for a like period of time until 30 minutes have been expended;

(b) Thirty minutes shall be the maximum time permitted for parking at any 30-minute meter on the posted days and during the posted hours of its operation.

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FILE NO. _____ ORDINANCE NO. _____

SEC. 203.2. PARKING METER RATES--PARKING METER AREA NUMBER TWO. The rates for parking meters in Parking Meter Area Number Two shall be as follows:

(a) Thirty-minute meters shall take a

(1) Five-cent piece (nickel), which shall allow a parking time period of ((6)) four minutes following the deposit of such coin, and such deposit of five-cent pieces may be repeated for a like period of time until 30 minutes have been expended; or a

(2) Ten-cent piece (dime), which shall allow a parking time period of ((12)) eight minutes following the deposit of such coin, and such deposit of 10-cent pieces may be repeated for a like period of time until 30 minutes have been expended; or a

(3) Twenty-five cent piece (quarter), which shall allow a parking time period of ((30)) 20 minutes following the deposit of such coin;

(b) Provided, that 30 minutes shall be the maximum time permitted for parking at any thirty-minute meter on the posted days and during the posted hours of its operation.

(c) One-hour meters shall take a

(1) Five-cent piece (nickel), which shall allow a parking time period of ((six)) four minutes following the deposit of such coin, and such deposit of five-cent pieces may be repeated for a like period of time until 60 minutes have been expended; or a

(2) Ten-cent piece (dime), which shall allow a parking time period of ((12)) eight minutes following the deposit of such coin, and such deposit of 10-cent pieces may be repeated for a like period of time until 60 minutes have been expended; or a

(3) Twenty-five-cent piece (quarter), which shall allow a parking time period of ((30)) 20 minutes following the deposit of

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such coin, and such deposit of 25-cent pieces may be repeated for a like period of time until 60 minutes have been expended;

(d) ((One hour)) Sixty minutes shall be the maximum time permitted for parking at any one-hour meter on the posted days and during the posted hours of its operation.

(e) Two-hour meters shall take a

(1) Five-cent piece (nickel), which shall allow a parking time period of ((six)) four minutes following the deposit of such coin, and such deposit of five-cent pieces may be repeated for a like period of time until 120 minutes have been expended; or a

(2) Ten-cent piece (dime), which shall allow a parking time period of ((12)) eight minutes following the deposit of such coin, and such deposit of 10-cent pieces may be repeated for a like period of time until 120 minutes have been expended; or a

(3) Twenty-five-cent piece (quarter), which shall allow a parking time period of ((30)) 20 minutes following the deposit of such coin, and such deposit of 25-cent pieces may be repeated for a like period of time until 120 minutes have been expended;

(f) One hundred and twenty minutes shall be the maximum time permitted for parking at any two-hour meter on the posted days and during the posted hours of its operation.

SEC. 203.3. PARKING METER RATES--PARKING METER AREA NUMBER THREE. The rates for parking meters in parking meter area number three shall be as follows:

(a) Thirty-minute meters shall take a

(1) Five-cent piece (nickel), which shall allow a parking time period of ((15)) ten minutes following the deposit of such coin, and such deposit of five-cent pieces may be repeated for a like period of time until 30 minutes have been expended; or a

(2) Ten-cent piece (dime), which shall allow a parking time period of ((30)) 20 minutes following the deposit of such coin;

(b) Thirty ((munites)) minutes shall be the maximum time permitted for parking at any 30-minute meter on the posted days and during the posted hours of its operation.

(c) One-hour meters shall take a

(1) Five-cent piece (nickel), which shall allow a parking time period of ((15)) ten minutes following the deposit of such coin, and such deposit of five-cent pieces may be repeated for a like period of time until 60 minutes have been expended;

(2) Ten-cent piece (dime), which shall allow a parking time period of ((30)) 20 minutes following the deposit of such coin, and such deposit of 10-cent pieces may be repeated for a like period of time until 60 minutes have been expended;

(3) Twenty-five-cent piece (quarter), which shall allow a parking time period of 50 minutes following the deposit of such coin;

(d) Sixty minutes shall be the maximum time permitted for parking at any one-hour meter on the posted days and during the posted hours of its operation.

(e) Two-hour meters shall take a

(1) Five-cent piece (nickel), which shall allow a parking time period of ((15)) ten minutes following the deposit of such coin, and such deposit of five-cent pieces may be repeated for a like period of time until 120 minutes have been expended; or a

(2) Ten-cent piece (dime), which shall allow a parking time period of ((30)) 20 minutes following the deposit of such coin, and such deposit of 10-cent pieces may be repeated for a like period of time until 120 minutes have been expended; or a

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(3) Twenty-five-cent piece (quarter), which shall allow a parking time period of ((75)) 50 minutes following deposit of such coin,

(f) One hundred and twenty minutes shall be the maximum time permitted for parking at any two-hour meter on the posted days and during the posted hours of its operation.

SEC.203.4. PARKING METER RATES--PARKING METER AREA NUMBER FOUR. The rates for parking meters in Parking Meter Area Number Four shall be as follows:

(a) One-hour meters shall take a

(1) Five-cent piece (nickel), which shall allow a parking time period of ((15)) four minutes following the deposit of such coin, and such deposit of five-cent pieces may be repeated for a like period of time until 60 minutes have been expended; or a

(2) Ten-cent piece (dime), which shall allow a parking time period of eight minutes following the deposit of such coin, and such deposit of 10-cent pieces may be repeated for a like period of time until 60 minutes have been expended;

(3) Twenty-five cent piece (quarter), which shall allow a parking time period of 20 minutes following deposit of such coin, and such deposit of 25-cent pieces may be repeated for a like period of time until 60 minutes have been expended;

(b) Sixty ((munites)) minutes shall be the maximum time permitted for parking at any one-hour meter on the posted days and during the posted hours of its operation.

(c) Two-hour meters shall take a

(1) Five-cent piece (nickel), which shall allow a parking time period of ((15)) four minutes following the deposit of such

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coin, and such deposit of five-cent pieces may be repeated for a like period of time until 120 minutes have been expended; or a

(2) Ten-cent piece (dime), which shall allow a parking time period of ((30)) eight minutes following the deposit of such coin, and such deposit of 10-cent pieces may be repeated for a like period of time until 120 minutes have been expended;

(3) Twenty-five cent piece (quarter), which shall allow a parking time period of ((75)) 20 minutes following deposit of such coin, and such deposit of 25-cent pieces may be repeated for a like period of time until 120 minutes have been expended;

(d) One hundred and twenty minutes shall be the maximum time permitted for parking at any two-hour meter on the posted days and during the posted hours of its operation.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By Julian E. Hultgren
JULIAN E. HULTGREN
Deputy City Attorney

RECOMMENDED:

Dianne Feinstein
Mayor

5246w

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 25, 1988	§	August 1, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Silver Walker Ward	§	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Molinari Nelder Silver Walker Ward
	§	
Noes: Supervisors Maher	§	Noes: Supervisors Maher
	§	
	§	Absent: Supervisors Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor
Clerk

File No.
124-88-1

AUG 2 1988
Date Approved

Mayor

AMENDMENT OF THE WHOLE
7/14/88

FILE NO. 124-88-3 ORDINANCE NO. 350-88

[Traffic and Parking Limited in Certain Cases]

AMENDING PART II, CHAPTER XI OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY AMENDING SECTION 33.1 RELATING TO VEHICULAR OR PEDESTRIAN TRAFFIC PROHIBITED OR RESTRICTED IN CERTAIN CASES BY ALSO REGULATING PARKING, AND REPEALING SECTION 33.2, PROHIBITING PARKING ON STREETS TEMPORARILY OCCUPIED PURSUANT TO PERMIT.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter XI, San Francisco Municipal Code (Traffic Code) is hereby amended by amending Section 33.1 to read as follows:

SEC. 33.1. VEHICULAR OR PEDESTRIAN TRAFFIC AND PARKING PROHIBITED OR RESTRICTED IN CERTAIN CASES. Whenever any public or private construction work is likely to interfere with the normal flow of vehicular or pedestrian traffic or parking, the Director of Public Works is authorized ((,after conferring with the Director of Traffic of the Police Department,)) to issue a permit institut((e))ing such temporary traffic-control and parking regulations as may be necessary during the construction period, to safeguard and expedite the flow of vehicular or pedestrian traffic and parking.

Signs and/or pavement painting, as necessary, shall be placed to inform the public of the temporary regulations.

No person shall stop, park or leave standing any vehicle, whether attended or unattended, on any street where the Department of Public Works has erected or caused to be erected appropriate signs giving a minimum of 72 hours notice of the effective dates and times of any temporary parking prohibition, provided that this Section shall not apply to a vehicle when such vehicle is actually engaged in making delivery or pickup of construction materials being used at the site approved by the Department of Public Works and the Traffic Bureau of the Police Department.

When a vehicle is removed from a street at the request of a permittee pursuant to this Section and a poststorage hearing determines that as a result of the permittee's improper posting of the required signs, reasonable grounds did not exist for removal, the responsible permittee shall reimburse the City and County of San Francisco for the cost incurred in storage and towing. The failure of a permittee to provide reimbursement or to agree to assume all liability for any improper posting shall result in the Police Department's denial of any future requests by that permittee for removal of vehicles in violation of this Section.

The responsible permittee shall be given timely notice of the vehicle owner's request for a poststorage hearing and the time and place of such hearing.

This section shall not apply to a utility or public utility, whether privately, municipally, or publicly owned, as defined by State law, nor shall it apply to vehicles of cable television services, when the utility or cable television provider undertakes emergency repairs to utility or cable facilities necessary for the preservation and maintenance of public utility or cable television services.

Section 2. Section 33.2 of Part II, Chapter XI, San Francisco Municipal Code (Traffic Code) is hereby repealed.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore Lakey
Deputy City Attorney

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SUPERVISORS MOLINARI, KENNEDY, NELDER

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 25, 1988	§	August 1, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker	§	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
	§	
	§	
Absent: Supervisors Ward	§	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
124-88-3

AUG 2 1988
Date Approved

Mayor

FILE NO. 124-88-5 ORDINANCE NO. 351-88

(Citation, Removal and Relocation of Vehicles)

AMENDING ARTICLE 2 OF PART II, CHAPTER XI, SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY ADDING THERETO SECTION 13, RELATING TO OFFICERS AND EMPLOYEES OF THE CITY AND COUNTY OF SAN FRANCISCO CHARGED WITH THE DUTY TO ENFORCE PROVISIONS OF STATE LAW AND SAN FRANCISCO MUNICIPAL CODE REGARDING REMOVAL OF VEHICLES; AUTHORIZING SAID OFFICERS AND EMPLOYEES TO UTILIZE CITATION PROCEDURE IN SUCH ENFORCEMENT.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 2, Part II, Chapter XI of the San Francisco Municipal Code (Traffic Code) is hereby amended by adding thereto Section 13 to read as follows:

Sec. 13. Department members as Public Officers. The classes of officers or employees of the City and County of San Francisco set forth below shall have the duty of enforcing those provisions of State law or the San Francisco Municipal Code which relate to non-moving traffic violations affecting operations of the municipal railway including, but not limited to, the citation, removal and relocation of a vehicle parked in a bus zone, the citation, removal and relocation of a vehicle parked upon any railroad track or within 7-1/2 feet of the nearest rail, the citation, removal and relocation of a vehicle left abandoned on property under the jurisdiction of the Public Utilities Commission, and the citation, removal and relocation of a vehicle left standing upon a highway in such a position as to obstruct the normal movement of traffic or to create a hazard.

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FILE NO. _____ ORDINANCE NO. _____

Classification No.	Class Title
7212	Automotive Transit Equipment Supervisor
7214	Electrical Transit Equipment Supervisor
7216	Electrical Transit Shop Supervisor I
7228	Automotive Transit Shop Supervisor I
9139	Transit Supervisor
9140	Transit Manager I
9141	Transit Manager II
9142	Transit Manager III
9173	System Safety Inspector
9177	Director of System (Safety)
9185	Deputy General Manager, Equipment Maintenance, Municipal Railway
9186	General Manager, Municipal Railway
9191	Deputy General Manager, Operations, Municipal Railway
9193	Deputy General Manager, Administration, Municipal Railway

In the performance of their duties the classes of officers and employees listed above shall have the power, authority and immunity of a public officer and employee, as set forth in Califoria Penal Code Section 836.5, to make arrests without a warrant whenever such employees have reasonable cause to believe that the person to be arrested has committed a misdeameanor in his presence which is a violation of a statute or ordinance which the officer or employee has the duty to enforce. In any case in which a person is arrested pursuant to this authority and the person arrested does not demand to be taken before a magistrate, the public officer or employee making the arrest shall prepare a written notice to appear and shall release the person on his or her promise to appear as prescribed by Chapter 5C (commencing with Section 853.6) of the California Penal Code.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 25, 1988	§	August 1, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker	§	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
	§	
	§	
Absent: Supervisors Ward	§	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
124-88-5

AUG 2 1988
Date Approved

Mayor

AMENDMENT OF THE WHOLE
7/14/88

FILE NO. 124-88-8 ORDINANCE NO. 352-88

AMENDING PART II, CHAPTER XI, SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY DELETING SECTION 28 THERETO, ADDING SECTION 28.5, AND ADDING SECTIONS 28.5.1 THROUGH 28.5.35 LISTING STREETS WITH PROHIBITION OF COMMERCIAL VEHICLES.

Note: Deletions are indicated by ((double Parentheses)), all other items represent additions.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 3, Part II, Chapter XI of the San Francisco Municipal Code (Traffic Code) is hereby amended by deleting Section 28, adding section 28.5, and adding sections 28.5.1 through 28.5.35 thereto to read as follows:

((SEC. 28. RESTRICTED TRAFFIC STREETS REGULATED. It shall be unlawful for the operator of any vehicle designed or used for the transportation of property to operate said vehicle upon streets designated by resolution of the Board of Supervisors as "Restricted Traffic Streets," and indicated by appropriate signs placed by the Department of Public Works, except for the purpose of making a pickup or delivery, in which event the said use shall be limited to one block (Amended by Ord. 356-76, App. 9/2/76)).

SEC. 28.5 RESTRICTED TRAFFIC STREET REGULATED. It shall be unlawful for the operator of any vehicles designed or used for the transportation of property and weighing more than 6000 pounds or of any vehicles used for the transportation of persons for hire, compensation or profit when such vehicles are not in service transporting persons to operate said vehicle upon streets designated in Sections 28.5.1 et seq. of this code, and indicated by appropriate signs placed by the Department of Public Works, except for the provisions of Section 28.1(b) and (c) of this code.

Sec. 28.5.1	Alabama St.	Between	Ripley St. & South Precita Ave.
Sec. 28.5.2	Alhambra St.	Between	Scott St. & Cervantes Blvd.
Sec. 28.5.3	Baker St.	Between	Richardson Ave. & Marina Blvd
Sec. 28.5.4	Beaumont Ave.	Between	Turk & Anza Streets
Sec. 28.5.5	Blanken Ave.	Between	Bayshore Blvd. & Tunnel Ave.
Sec. 28.5.6	Cedro Ave.	Between	Mercedes Way & Ocean Ave.
Sec. 28.5.7	Cerritos Ave.	Between	Mercedes Way & Ocean Ave.
Sec. 28.5.8	Chestnut St.	Between	Laguna St. & Van Ness Ave.
Sec. 28.5.9	Chestnut St.	Between	Richardson Ave. & Broderick St.
Sec. 28.5.10	College Ave.	Between	Genebern Way & Mission St.
Sec. 28.5.11	Corbett Ave.	Between	Clayton & Seventeenth Sts.
Sec. 28.5.12	Folsom St.	Between	Precita Ave. & Bernal Hgts. Blvd. and
	Bernal Heights Blvd.	Between	Folsom St. & Bernal Hgts. Park (approximately 350')
Sec. 28.5.13	Francisco St.	Between	Laguna St. & Van Ness Ave.
Sec. 28.5.14	Francisco St.	Between	Baker & Scott Sts.
Sec. 28.5.15	Franklin St.	Between	California & Lombard Sts.
Sec. 28.5.16	Genebern Way	Between	Alemany Blvd. & College Ave.
Sec. 28.5.17	Gilman Ave.	Between	Third & Fitch Sts.
Sec. 28.5.18	Gough St.	Between	Jackson & Union Sts.
Sec. 28.5.19	Great Highway	Between	Lincoln Way & Sloat Blvd.
Sec. 28.5.20	Jamestown Ave.	Between	Third St. & Harney Way
Sec. 28.5.21	Kansas St.	Between	Twenty-second & Twenty Third Sts
Sec. 28.5.22	Lathrop Ave.	Between	Tunnel & Tocoloma Aves.
Sec. 28.5.23	Lombard St.	Between	Polk & Leavenworth Sts.

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Sec. 28.5.24	Lyon St.	Between	Green & Lombard Sts.
Sec. 28.5.25	Marina Blvd.	Between	Lyon & Laguna Sts.
Sec. 28.5.26	Pacheco St.	Between	Dewey Blvd. & Ninth Ave.
Sec. 28.5.27	Parker Ave.	Between	Turk & Anza Sts.
Sec. 28.5.28	Pennsylvania St.	Between	Mariposa & Twenty-second Sts.
Sec. 28.5.29	Rossi Ave.	Between	Turk & Anza Sts.
Sec. 28.5.30	Santa Clara Ave.	Between	Monterey Blvd. & Portola Dr.
Sec. 28.5.31	St. Francis Blvd.	Between	Portola Dr. & San Anselmo Ave.
Sec. 28.5.32	Stanyan St.	Between	Turk & Anza Sts.
Sec. 28.5.33	Union St.	Between	Lyon & Steiner Sts.
Sec. 28.5.34	Vermont St.	Between	Twentieth & Twenty-second Sts.
Sec. 28.5.35	Webster St.	Between	Bay St. & Marina Blvd.

APPROVED AS TO FORM

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney

DESCRIPTION APPROVED:

for John B. Comey
Deputy Director, Operations

RECOMMENDED:

for John B. Comey
Director of Public Works

APPROVED:

Chief Administrative Officer

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
Absent: Supervisors Ward	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
124-88-8

AUG 2 1988
Date Approved

Mayor

(Metered Parking Lots)

AMENDING ARTICLE 3, PART II, CHAPTER XI OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY AMENDING SECTIONS 32.8.1 THROUGH 32.8.18 AND BY REPEALING SECTIONS 32.8.19 THROUGH 32.8.22 THEREOF TO CHANGE THE DESIGNATION OF THE MUNICIPAL OFF-STREET PARKING SITES IN WHICH PARKING METERS MAY BE USED.

Note: Additions or substitutions are underlined; deletions are indicated by ((double parentheses.))

Be it ordained by the People of the City and County of San Francisco:

Section 1: Article 3, Part II, Chapter XI, of the San Francisco Municipal Code (Traffic Code) is hereby amended by amending Sections 32.8.1 through 32.8.18 thereof to read as follows:

SEC. 32.8.1 EUREKA VALLEY DISTRICT ((NO. 1. 427 - 31 Castro Street.

455 - 59 Castro Street.

79 - 85 Collingwood Street.))

457 Castro Street

4116 18th Street

SEC. ((32.8.3)) 32.8.2. GEARY BOULEVARD DISTRICT. ((On the North side of Geary Boulevard between 21st and 22nd Avenues.))

5200 Geary Boulevard

5732 Geary Boulevard

419 18th Avenue

SEC. ((32.8.4)) 32.8.3. OUTER IRVING DISTRICT.((1275 - 85 20th Avenue.))

1275 20th Avenue

SEC. ((32.8.5)) 32.8.4. NOE VALLEY DISTRICT.((4055 - 61 24th Street.))

4061 24th Street

/ / /

SEC. ((32.8.6.)) 32.8.5. WEST PORTAL DISTRICT.((NO. 1. 174 West Portal Avenue.))

174 West Portal Avenue

807 Ulloa Street

((SEC. 32.8.7. WEST PORTAL DISTRICT NO. 2. 300 Claremont Boulevard.

807-825 Ulloa Street.

21-37 West Portal Avenue.))

SEC. ((32.8.8.)) 32.8.6. PORTOLA DISTRICT.((25 Felton Street.))

25 Felton Street

SEC. ((32.8.9.)) 32.8.7. MISSION DISTRICT.((NO. 1. 26, 28-32, 36-38 Hoff Street.

7, 9-11, 31-35, 41, 51 Rondel Place.

2 vacant.))

20 Hoff Street

1 Lilac Street

50 Bartlett Street

((SEC. 32.8.10. MISSION DISTRICT NO. 2. 904 Capp Street. 3257 - 69 24th Steet.))

SEC ((32.8.11.)) 32.8.8. CLEMENT DISTRICT.((NO. 1. 320, 322 - 24, 326 - 28 8th Avenue.

633 - 35 Clement Street.))

320 8th Avenue

330 9th Avenue

((SEC. 32.8.12. CLEMENT DISTRICT NO. 2. 330, 334-36, 338 9th Avenue.))

SEC. ((32.8.13.)) 32.8.9. MARINA DISTRICT.((3224-3252 Pierce Street.))

3252 Pierce Street

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((SEC. 32.8.14. NORTH BEACH DISTRICT. 7, 9 Emery Lane. 766-776 Vallejo Street.))

SEC. ((32.8.15)) 32.8.10. EXCELSIOR DISTRICT.((14-16, 20 Norton Street. 19-21, 23 Harrington Street. Vacant Lot.))

20 Norton Street

SEC. ((32.8.16)) 32.8.11. INNER IRVING DISTRICT.((1319-21-25 8th Avenue.

1318-20, 1322-24 9th Avenue.

1340 7th Avenue.))

1355 6th Avenue

1340 7th Avenue

1325 8th Avenue

SEC. 32.8.12. POLK DISTRICT

1350 Polk Street

SEC. ((32.8.17)) 32.8.13. LAKESIDE VILLAGE PARKING PLAZA NO. 1. ((The northwest corner of Junipero Serra Boulevard and Ocean Avenue.))

2500 Ocean Avenue

SEC. ((32.8.18)) 32.8.14. LAKESIDE VILLAGE PARKING PLAZA NO. 2. ((The southeast corner of 19th and Ocean Avenues.))

3000 19th Avenue

Section 2: Article 3, Part II, Chapter XI of the San Francisco Municipal Code (Traffic Code) is hereby amended by repealing Sections 32.8.19 through 32.8.22, reading as follows:

((SEC. 32.8.19. MISSION-BARTLETT PARKING PLAZA. The west side of Bartlett Street between 21st and 22nd Streets (50 Bartlett Street.)))

((SEC. 32.8.20. GEARY BOULEVARD DISTRICT NO. 2.419-23 18th Avenue.

418, 422 19th Avenue

5200 Geary Boulevard.))

((SEC. 32.8.21. BAY VIEW DISTRICT NO. 1. 1578 Palou Avenue. 1437 Mendell Street.))

((SEC. 32.8.22. POLK DISTRICT NO. 1. 1350 Bush Street (Redding Elementary School Playground).))

RECOMMENDED:

PARKING AUTHORITY OF THE
CITY AND COUNTY OF SAN FRANCISCO

By Ray King
Director

APPROVED:

LOUISE H. RENNE
City Attorney

By Julian E. Hultgren
JULIAN E. HULTGREN
Deputy City Attorney

5682w

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 25, 1988	§	August 1, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker	§	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
	§	
	§	
Absent: Supervisors Ward	§	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
124-88-9

AUG 2 1988
Date Approved

Mayor

AMENDMENT OF THE WHOLE
7/14/88

FILE NO. 124-87-17 ORDINANCE NO. 354-88

[Residential Parking]

AMENDING SECTION 312 OF CHAPTER XI, PART II OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) TO EXEMPT PUBLIC UTILITY VEHICLES FROM RESIDENTIAL PERMIT PARKING RESTRICTIONS.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter XI, Part II of the San Francisco Municipal Code (Traffic Code) is hereby amended by amending Section 312 thereof to read as follows:

SEC. 312. PERMIT PARKING EXEMPTION.

(a) A resident motor vehicle on which is displayed a valid parking permit as provided herein shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by time restrictions established pursuant to this Article. Said resident motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this Article. Except as provided in subsection (b) of this section, ((A))all other motor vehicles ((, other than vehicles specified in Article 1.1. of this Code and Section 308 and the subsections thereof,)) parked within a residential permit parking area shall be subject to the time restrictions adopted as provided in this Article as well as the penalties provided for herein.

/ / /

/ / /

/ / /

(b) The following vehicles shall not be subject to the time restrictions established pursuant to this Article when parked within a residential permit parking area:

1. motor vehicles specified in Article 1.1 of this Code;

2. motor vehicles specified in Section 308 and the subsections thereof;

3. motor vehicles as specified and described in Section 22512 of the California Vehicle Code.

(c) A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Maher Molinari Nelder Silver Ward
Noes: Supervisors Silver Walker	Noes: Supervisors Walker
Absent: Supervisors Ward	Absent: Supervisors Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 124-87-17

AUG 1988
Date Approved

Mayor

AS AMENDED IN COMMITTEE
7/14/88

FILE NO. 258-88 ORDINANCE NO. 355-88

[Doyle Drive Task Force]

ESTABLISHING "THE DOYLE DRIVE TASK FORCE" ON RENOVATIONS TO DOYLE DRIVE.

Note: All sections are new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Doyle Drive Task Force.

The "Doyle Drive Task Force" is hereby established to consider and propose, to appropriate governmental agencies, a plan for changes in Doyle Drive to improve Doyle Drive without increasing traffic into San Francisco.

The Doyle Drive Task Force shall consist of the following members:

The Superintendent of the Golden Gate National Recreation Area, or his or her designee, who shall serve as Chair of the Task Force;

The Commander of the Presidio, or his designee;

The President of the board of the Golden Gate Bridge Highway and Transportation District, or her designee;

The Head of the Planning Association of Richmond, or his or her designee;

The Head of the Marina Neighborhood Association, or his or her designee;

The Head of the Highway Patrol, or his designee;

The President of the Loma Prieta Chapter of the Sierra Club, or his or her designee;

The Chair of the Transportation Committee of San Francisco Tomorrow, or his or her designee;

One representative chosen by the Mayor of the City and County of San Francisco;

GJ
7/14/88

The Director of City Planning, or his or her designee;

The Director of Public Works, or his or her designee; and,

Eleven members appointed by the Board of Supervisors of the City and County of San Francisco

Section 2. Powers and Duties.

The Doyle Drive Task Force shall consider and propose, to the appropriate governmental agencies, a plan for changes in Doyle Drive to improve Doyle Drive without increasing traffic into San Francisco. The plan prepared by the Task Force shall be presented to the appropriate governmental agencies no later than one year after the Task Force is formed.

The first meeting of the Task Force shall be convened by the Chair after fifty percent of the members of the Task Force have been chosen. Thereafter, the Task Force shall establish rules and regulations for its own organization and procedure and shall meet when necessary as determined by the Task Force. The Task Force shall have the power to hold public hearings prior to submitting its plan to the appropriate governmental agencies. A quorum shall consist of one-third of the members of the Task Force.

The City Planning Department shall serve as staff to the Task Force. The Task Force shall have the power to apply for state and federal grant monies to assist the Task Force in its studies and the preparation of its plan.

Section 3. Nonassumption of Liability.

In forming this Task Force, the Board of Supervisors recognizes that control over Doyle Drive and its improvements rests with the Golden Gate Bridge Highway and Transportation District and the State of California, not the City and County of San Francisco.

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The Board of Supervisors further recognizes that these entities are undertaking efforts to improve Doyle Drive without exacerbating traffic conditions in San Francisco. The Board of Supervisors believes it is appropriate, however, to stimulate further examination of this issue. In creating this Task Force, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on itself or on its officers and employees, an obligation for breach for which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 4. Duration of Ordinance.

This ordinance shall remain in effect until one year after the date it first takes effect and, as of such date, is repealed.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

2271g

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
Absent: Supervisors Ward	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

AUG 2 1988
_____
Date Approved

_____
Mayor

File No.
258-88

FILE NO. 215-88-2.1 ORDINANCE NO. 356-88

[Transportation Committee]

AMENDING ORDINANCE NO. 184-88 BY AMENDING SECTION 3 THEREOF TO EXTEND THE DEADLINE FOR SUBMITTING COUNTY TRANSPORTATION EXPENDITURE PLAN TO THE METROPOLITAN TRANSPORTATION COMMISSION TO JUNE 1, 1989.

NOTE: Additions and substitutions are underlined;
Deletions are indicated by ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

Section 1. Ordinance No. 184-88 is hereby amended by amending Section 3 thereof to read as follows:

Section 3. Powers and Duties.

The Transportation Committee shall develop and submit a county transportation expenditure plan to the Metropolitan Transportation Commission for review no later than June 1, 1989 ((June 17, 1988)).

In developing the plan, the Committee shall consult with the citizens advisory committee and technical advisory committee and shall provide for the participation of representatives of transit agencies serving the City and County, the California Department of Transportation, the Metropolitan Transportation Commission and any other agencies the Board of Supervisors or the Committee deems to be necessary.

The county transportation expenditure plan shall comply with the requirements of Section 131051 of the California Public Utilities Code. If the expenditure plan recommends that a transactions and use tax will be required for more than fifteen (15) years, the plan shall recommend that the initial tax proposal submitted to the voters be for a fifteen (15) year term and further, the plan shall recommend that prior to the expiration of the fifteen-year term of that tax, the Board of Supervisors submit to the voters for their approval an ordinance authorizing continued imposition of this tax for the balance of the term of the tax recommended by the plan.

The Transportation Committee shall establish rules and regulations for its own organization and procedure and shall meet when necessary as determined by the Committee.

The Committee shall hold at least one public hearing on the expenditure plan prior to its submittal to the Metropolitan Transportation Commission. Notice of the public hearing shall be given by at least one publication in the official newspaper of the City and County of San Francisco not less than seven (7) days prior to the date of such hearing. The Committee may also give notice to any person or organization that it may deem appropriate.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Angela O. Karikas
Deputy City Attorney

1630g

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AUG 25 1988
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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
Absent: Supervisors Ward	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
215-88-2.1

AUG 1 1988
Date Approved

Mayor

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AUG 25 1988

FILE NO. 127-88-9 ORDINANCE NO. 357-88

[Payroll Expense Tax]

AMENDING ARTICLE 12-A OF PART III OF THE MUNICIPAL CODE (PAYROLL EXPENSE TAX ORDINANCE) BY AMENDING SECTIONS 903 AND 905-A THEREOF TO INCREASE RATE OF TAX AND CHANGE THE SMALL BUSINESS EXEMPTION; PROVIDING FOR EFFECTIVE DATE OF ~~JANUARY~~ JULY 1, 1988.

7/13/88 DST

NOTE: Additions or substitutions are <u>underlined</u>; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 12-A of Part III of the Municipal Code (Payroll Expense Tax Ordinance) is hereby amended by amending Sections 903 and 905-A thereof to read as follows:

ARTICLE 12-A

PAYROLL EXPENSE TAX ORDINANCE

Sec. 901.	Short Title.
Sec. 902.	Operation of Definitions.
Sec. 902.1.	"Associations."
Sec. 902.2.	"Business."
Sec. 902.3	"City and County."
Sec. 902.4	"Employee."
Sec. 902.5.	"Individual."
Sec. 902.6.	"Payroll Expense."
Sec. 902.7.	"Person."
Sec. 902.8.	"Tax Collector."
Sec. 902.9.	"Taxpayer."
Sec. 903.	Imposition of Payroll Expense Tax.
Sec. 904.	Apportionment of Payroll Expense.
Sec. 905.	Nexus With Taxpayer.
Sec. 905-A.	Small Business <u>Tax Forgiveness</u> ((Exemption)).
Sec. 906.	Exemption Provisions.
Sec. 907.	Payments, Returns, Prepayments and Extensions.
Sec. 907.1.	Request for Financial Information.
Sec. 908.	Duties of Tax Collector.
Sec. 909.	Interest and Penalties.
Sec. 910.	Underpayments of Tax.
Sec. 910.1	Jeopardy Assessments, Duty of Tax Collector to Make, Due Date, Petition for Redetermination, Time for Filing, and Deposit of Security.
Sec. 911.	Overpayment of Taxes.
Sec. 912.	Petition for Redetermination.
Sec. 913.	Board of Review.
Sec. 914.	Enforcement.
Sec. 915.	Misdemeanor.

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Sec. 916.	Savings Clause.
Sec. 917.	Constitutional Exemption.
Sec. 917.1.	Exemptions: Persons Subject to Greater Tax Liability Under Business Tax Ordinance.
Sec. 918.	Duties of Successors or Assignees of Operator to Withhold Tax From Purchase Money.
Sec. 918.1.	Liability Failure to Withhold Certificate of Notice of Amount Due, and Time to Enforce Successor's Liability.

SEC. 901. SHORT TITLE. This ordinance shall be known as the "Payroll Expense Tax Ordinance" and the tax imposed herein shall be known as the "Payroll Expense Tax."

SEC. 902. OPERATION OF DEFINITIONS. Except where the context otherwise requires, the terms used in this Ordinance shall have the meaning given to them in Sections 902.1 through 902.9, inclusive, of this Ordinance.

SEC. 902.1. "ASSOCIATION." The term "Association" shall mean a partnership, limited partnership, or any other form of unincorporated business or enterprise, owned by two or more persons.

SEC. 902.2. "BUSINESS." The term "Business" shall mean any activity, enterprise, profession, trade or undertaking of any nature conducted or engaged in, or ordinarily conducted or engaged in, with the object of gain, benefit or advantages, whether direct or indirect, to the taxpayer or to another or others. The term shall include subsidiary or independent entities which conduct operations for the benefit of others and at no profit to themselves, nonprofit businesses and trade associations.

A person shall be deemed to be engaged in business, who, in return for rental income, rents, leases or hires real or personal property to others; provided, however, that a person who receives rental income in connection with the operation of a cooperative

housing corporation, as defined in Section 17265 of the Revenue and Taxation Code, or in connection with the operation of a residential condominium shall not, by reason of that fact alone, be deemed to be engaged in business. A person shall not be deemed to be engaged in business solely by reason of dividend or interest income from passive investments.

SEC. 902.3. "CITY AND COUNTY." The term "City and County" shall mean the City and County of San Francisco.

SEC. 902.4. "EMPLOYEE." The term "employee" shall mean and shall include any individual in the service of an employer, under an appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes but is not limited to, all of the enumerated categories in Subsections (a) through (f) of California Labor Code Section 3351, regardless of whether Workers' Compensation Benefits, pursuant to Division 4, Part 1, Section 3200, et seq. of the California Labor Code are required to be paid. Nothing herein shall be deemed to incorporate any provisions from said Labor Code relating to scope of employment. The above provisions of the said Labor Code shall mean those provisions as they exist on the effective date of this Ordinance. For purposes of this tax, any individual compensated in his or her capacity as a licensed real estate salesman, shall be deemed an "employee" of the real estate broker under whom he or she is licensed, and any compensation received by such individual, including compensation by way of commissions, shall be included in the "Payroll Expense" of the real estate broker under whom he or she is licensed.

SEC. 902.5. "INDIVIDUAL." The term "individual" shall mean a natural person, a human being, as distinguished from an artificial person such as a corporation or political subdivision.

SEC. 902.6. "PAYROLL EXPENSE." The term "Payroll Expense" shall mean the compensation paid, including salaries, wages, commissions and other compensation to an individual who, during any tax year, performs work or renders services, in whole or in part in the City and County of San Francisco; and if more than one individual during any tax year performs work or renders services in whole or in part in the City and County of San Francisco, the term "Payroll Expense" shall mean the total compensation paid including salaries, wages, commissions and other compensation, to all such individuals.

SEC. 902.7. "PERSON." The term "person" shall mean any natural person, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the State of California, domestic or foreign corporation, association, syndicate, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, the United States or any instrumentality thereof, and any natural person, who as an individual or with a spouse, owns 51 percent or more of the capital stock of a corporation obligated to file a return and pay tax pursuant to this ordinance; and in addition, is a person with the power to control the fiscal decision-making process by which the corporation allocates funds to creditors in preference to its tax obligations under the provisions of this ordinance. A person as

defined herein, who is also an officer or director of a corporation obligated to file returns and pay tax pursuant to this ordinance, shall be presumed to be a person with the power to control the fiscal decision-making process. Whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean the owners or part owners thereof, and as applied to corporations, the officers thereof.

SEC. 902.8. "TAX COLLECTOR." The term "Tax Collector" shall mean the Tax Collector for the City and County of San Francisco.

SEC. 902.9. "TAXPAYER." The term "Taxpayer" shall mean a person required hereunder to file a return or to pay a tax.

Sec. 903 Imposition of Payroll Expense Tax. (a) A tax for general revenue purposes is hereby imposed upon every person who, in connection with said person's business, engages, hires, employs or contracts with one or more individuals as employee, to perform work or render services in whole or in part within the City and County of San Francisco.

(b) The amount of such tax for persons other than Associations shall be one (1%) percent of the payroll expense of such person; provided, that such tax shall be levied only upon that portion of payroll expense which is attributable to the City and County of San Francisco as set forth in Section 904; provided further that the amount of such tax commencing January 1, 1977, shall be one and one-tenth (1-1/10%) percent of the payroll expense of such person; provided further that for the period commencing April 1, 1980, and ending June 30, 1980, the amount of such tax shall be one and one-half (1-1/2%) percent of the payroll expense of

such person; provided further that commencing July 1, 1980 the amount of such tax shall be one and one-half (1-1/2%) percent of the payroll expense of such person((.)); provided further that commencing ~~January~~ July 1, 1988, the amount of such tax shall be one and six-tenths (1.6%) percent of the payroll expense of such person.

7/13/88 HST

(c) The amount of such tax for Associations shall be one (1%) percent of the payroll expense of such Association, plus one (1%) percent of the total distributions made by such Association by way of salary to those having an ownership interest in such Association; provided, that such tax shall be levied only upon that portion of association distributions (computed in the same manner as if such association distributions were definable as Payroll Expense) and that portion of Payroll Expense which are attributable to the City and County of San Francisco as set forth in Section 904; provided further that the amount of such tax commencing January 1, 1977, shall be one and one-tenth (1-1/10%) percent of the payroll expense of such Association, plus one and one-tenth (1-1/10%) percent of the total distributions made by such Association by way of salary to those having an ownership interest in such Association; provided further that during the period commencing April 1, 1980, and ending June 30, 1980, the amount of such tax shall be one and one-half (1-1/2%) percent of the payroll expense of such Association, plus one and one-half (1-1/2%) percent of the total distribution made by such Association by way of salary to those having an ownership interest in such Association; provided further that commencing July 1, 1980 the amount of such tax shall be one and one-half (1-1/2%) percent of the payroll expense of such Association, plus one and one-half (1-1/2%) percent of the total distribution made by such Association by way of salary to those having an ownership interest in such Association((.)); provided further that commencing

7/13/88 BST

~~January~~ July 1, 1988, the amount of such tax shall be one and six-tenths (1.6%) percent of the payroll expense of such person, plus one and six-tenths (1.6%) percent of the total distribution made by such Associations by way of salary to those having an ownership interest in such Association.

(d) This ordinance shall not be construed as requiring any license whatsoever, nor shall payment of this tax be a condition precedent to engaging in any business within the City and County of San Francisco. This tax is imposed for general revenue purposes and in order to require commerce and the business community to carry a fair share of the costs of local government in return for the benefits, opportunities and protections afforded by the City and County of San Francisco.

(e) During the period commencing January 1, 1984 and ending December 31, 1984, the tax rate imposed by Subsection (b) above shall be one and four-tenths (1.4%) percent of the payroll expense of such person and the tax rate imposed by Subsection (c) shall be one and four-tenths (1.4%) percent of the payroll expense of such Association, plus one and four-tenths (1.4%) percent of the total distribution made by such Association by way of salary to those having an ownership interest in such Association and the balance of the tax rates specified in Subsections (b) and (c) is suspended ((subject to the following condition; that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election.))

SEC. 904. APPORTIONMENT OF PAYROLL EXPENSE. Where payroll expense is incurred by reason of work performed or services rendered by an individual, as Commission Merchant or Employee, partly within and partly without the City and County of San Francisco, the portion of such payroll expense attributable to the City and County of San Francisco (and subject to tax hereunder) shall be determined as follows:

(a) If the amount of such payroll expense depends on the volume of business transacted by such individual, then the portion of such payroll expense attributable to the City and County of San Francisco shall be the portion of such payroll expense which the volume of business transacted by such individual in the City and County bears to the volume of business transacted by such individual ((him)) within and without the City and County.

(b) In all other cases, the portion of such payroll expense attributable to the City and County of San Francisco shall be the portion of such payroll expense which the total number of working hours employed within the City and County bears to the total number of working hours within and without the City and County.

(c) If it is impracticable to apportion such payroll expenses as aforesaid either because of the peculiar nature of the services of such individual, or on account of the unusual basis of compensation, or for any other reason, then the amount of such payroll earnings reasonably attributable to work performed or services rendered, in the City and County, shall be determined in accordance with rules or regulations adopted or promulgated by the Tax Collector for the purpose.

If the City Tax Collector determines that the percentage of payroll expenses attributable to City and County of San Francisco, for any one or more taxpayers, is a relatively stable percentage,

the Tax Collector is authorized to establish that percentage as a prima facie percentage of payroll expense attributable to City and County of San Francisco; provided, however, that the Tax Collector shall condition the establishment of such fixed percentage upon the obligation of the taxpayer to report immediately to the Tax Collector any significant change in the taxpayer's ((his)) mode of business which might have some effect upon the portion of the taxpayer's ((his)) payroll expense which is attributable to City and County of San Francisco; and provided further that any such fixed percentage established by the Tax Collector is revocable by the Tax Collector at any time.

SEC. 905. NEXUS WITH TAXPAYER. This tax shall not apply to any person unless such person is doing business within the City and County of San Francisco. A person is doing business within the City and County of San Francisco, within the meaning of this ordinance, if he or she engages, hires, employees or contracts with one or more individuals, as ((commission merchant or)) an employee, to perform work or render services in whole or in part within the City and County of San Francisco and, in addition, either:

(a) Such person maintains a fixed place of business within the City and County of San Francisco; or

(b) An ((commission merchant or)) employee maintains a fixed place of business within the City and County of San Francisco for the benefit or partial benefit of such person; or

(c) Such person or ((his commission merchant or)) such person's employee owns or leases real property within the City and County of San Francisco for business purposes; or

(d) Such person or ((his commission merchant or)) such person's employee regularly maintains a stock of tangible personal

property in the City and County of San Francisco, for sale in the ordinary course of such person's ((his)) business; or

(e) Such person employs or loans capital on property within the City and County of San Francisco; or

(f) Such person or ((his commission merchant or)) such person's employee conducts continuous solicitation of business within the City and County of San Francisco; or

(g) Such person or ((his commission merchants or)) such person's employees perform work or render services in the City and County of San Francisco on a regular and continuous basis involving not less than seven working days per year for all such ((commission merchants or)) employees; or

(h) Such person or ((his commission merchant or)) such person's employee utilizes the street within the City and County of San Francisco in connection with the operation of motor vehicles for business purposes.

SEC. 905-A. Small Business Tax Exemption.

Notwithstanding any other provisions of this Payroll Expense Tax Ordinance, except Sections 907 and 909 herein, "small business enterprise((s))," as hereinafter defined, shall be exempt from taxation under this Ordinance; provided, however, that small business enterprises shall pay the annual registration fee pursuant to Section 1007 of this Code. The term "small business enterprise" shall mean and include any taxpayer whose tax liability hereunder, but for this Exemption provision, would not exceed $2,500.

SEC. 906. EXEMPTION PROVISIONS. (a) Except as provided in Subsection (b) of this Section, an organization having a formally recognized exemption from income tax pursuant to Sections 501(c) or

501(d) or 401(a) of Title 26 of the United States Code, as qualified by Sections 502, 503 and 504 of Title 26 of the United States Code, shall be exempt from taxation under this ordinance.

(b) An organization otherwise exempt from taxation under Subsection (a) of this Section, if it receives unrelated business receipts, shall pay a Payroll Expense Tax equal to the amount arrived at by multiplying the tax which would have been due under this Section if the organization were not an exempt organization by the percentage which its unrelated business receipts bear to its total receipts.

(c) All Sections of the United States Code shall mean those Sections of the United States Code as they exist on the effective date of this ordinance.

(d) Blind persons licensed under the provisions of Chapter 6A of Title 12 of the United States Code ("Vending Stands for Blind in Federal Buildings") and blind persons licensed under the provisions of Article 5 of Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code of the State of California ("Business Enterprises for the Blind") need not include in the computation of payroll expense the first $15,000 of payroll expense in any one year which is attributable to the City and County of San Francisco. A blind person, within the meaning of this Section shall mean a person having not more than 10 percent visual acuity in the better eye, with correction. Such blindness shall be certified by a licensed physician and surgeon who specializes in diseases of the eye, or by the Bureau of Vocational Rehabilitation of the Department of Education of the State of California, and the exemption provided by this Section shall not apply until a certificate as to such blindness shall be furnished to the Tax Collector.

(e) Skilled Nursing Facilities licensed under the provisions

of Title 22, California Administrative Code, Division 5 ("Licensing and Certification of Health Facilities and Referral Agencies") Chapter 3 ("Skilled Nursing Facilities"), shall be exempt.

SEC. 907. PAYMENTS, RETURNS, PREPAYMENTS, AND EXTENSIONS.

(a) The taxes imposed herein shall become due and payable on January 1st of each year and shall become delinquent if not paid on or before the last day of February of each year. Concurrently with the payment of the taxes imposed herein, the taxpayer shall make a Payroll Expense Tax Return as provided herein. The Tax Collector shall, within 15 days after the effective date of any amendments to the rates imposed hereunder, or to the definitions of taxpayers herein, prepare instructions available for public distribution advising the public regarding the tax rates and the dates of payment.

(b) Each person subject to the tax imposed by this ordinance, and any persons who would be subject to tax imposed by this ordinance, but for the provisions of Section 905A (Small Business Exemption) shall, on or before the last day of February of each year and concurrently with the payment of any tax herein imposed, make and file with the Tax Collector, on a form obtainable from the Tax Collector, a return for the preceding calendar year setting forth such information as the Tax Collector shall require, including (unless the Tax Collector waives the need to furnish same) the taxpayer's payroll expense for each individual performing work or rendering services, in whole or in part, in the City and County of San Francisco, together with that portion of the taxpayer's payroll expense for each such individual attributable to the City and County of San Francisco, plus the aggregate amount of the taxpayer's payroll expense for all such individuals attributable to the City and County of San Francisco, plus such other pertinent

information as the Tax Collector may require.

(c) Notwithstanding the date otherwise provided for herein for the payment of the tax due hereunder, every person who, for any calendar year commencing with 1973, becomes liable for payment of a total Payroll Expense Tax in excess of $1,000, shall be required to make tax payment for the following calendar year in two installments; provided however that, for any calendar year commencing with 1982, no person shall be required to make tax payment for the following calendar year in two installments unless said person becomes liable for payment of a total Payroll Expense Tax in an amount which exceeds $2,500.

The first installment (hereinafter called "tax prepayment") shall be a credit against the total Payroll Expense Tax liability attributable to said following calendar year, and shall be in an amount equal to 1/2 of the estimated Payroll Expense Tax liability for the then current year; said estimated Payroll Expense Tax liability shall be computed by using taxable payroll expense for the preceding tax year, and the rate of tax applicable to the current tax year. The second installment shall be reported and paid as otherwise provided herein, and shall be in an amount equal to total Payroll Expense Tax liability, less the amount of any tax prepayment actually paid. Commencing with the calendar year 1974, such tax prepayment shall become due and payable every July 1st, and shall become delinquent every August 1st. Any tax prepayment required hereunder which is not paid before the delinquency date, shall bear a penalty of 10 percent of the amount of delinquent tax prepayment, and shall also bear interest on the amount of the delinquent tax prepayment from the date of delinquency at the rate of one percent per month, or fraction thereof, for each month of said delinquency. Said tax prepayment shall be accompanied by a tax prepayment form

prepared by the Tax Collector, but the failure of the Tax Collector to furnish the taxpayer with a tax prepayment form shall not relieve the taxpayer of the tax prepayment obligation set forth herein. If the taxpayer can establish by clear and cogent evidence, that said prepayment will amount to more than the total tax liability for the calendar year in which the tax prepayment becomes due, the Tax Collector may, in writing, adjust the amount of the tax prepayment.

(d) Notwithstanding the date provided for herein for the payment of tax due hereunder, the Tax Collector hereby is authorized for a good cause, to grant extensions not in excess of 60 days for the payment of such tax or prepayment and for the making of such return, in which case no penalty shall be added to the amount due and payable if, and only if, said tax is paid within the extension period granted by the Tax Collector; provided, however, that all taxes and tax prepayments required to be paid which become delinquent, shall bear interest beginning with the first day of delinquency to the date of return and payment at the rate of one percent per month, or fraction thereof, notwithstanding the granting of an extension by the Tax Collector.

SEC. 907.1. REQUEST FOR FINANCIAL INFORMATION. (a) The Tax Collector may, at his or her discretion, send any person a written request for financial information necessary for the purpose of verifying such person's tax liability or tax-exempt status as claimed by the person on a return filed pursuant to Subsection (b) of Section 907. The request shall be mailed to the person's last known address as indicated in the Tax Collector's records.

(b) Each person to whom a written request for financial information has been sent pursuant to Subparagraph (a) of this Section shall complete and return the form, with the information

requested, to the Tax Collector within 30 days of the date of the mailing of the written request. Said person shall provide such financial information that the Tax Collector, in writing, has indicated is necessary to verify said person's tax liability or tax-exempt status.

SEC. 908. DUTIES OF TAX COLLECTOR. It shall be the duty of the Tax Collector to collect and receive the tax imposed by this ordinance. In addition to keeping the records now required by law and paying over the proceeds from the collection of taxes to the Treasurer of the City and County, as now provided by law, the Tax Collector shall keep an accurate and separate account of all such tax payments received by the Tax Collector, showing the name and address of the taxpayer and the date of the payments. The Tax Collector is hereby charged with the enforcement of the provisions of this ordinance, and subject to approval of the Board of Review, is hereby empowered to adopt and promulgate and to enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this ordinance, including provisions for the reexamination and correction of returns and payments alleged or found to be incorrect or as to which an overpayment or underpayment is claimed or found to have occurred. The Tax Collector or any agent or employee authorized in writing by the Tax Collector is hereby authorized to examine the books, papers and records of any employer or supposed employer, or of any taxpayer or supposed taxpayer, in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax imposed by this ordinance.

Every such taxpayer or supposed taxpayer is hereby directed and required to make available to the said Tax Collector or the duly

authorized agent or employee thereof within San Francisco the means, facilities and opportunity for the Tax Collector or the duly authorized agent or employee thereof to conduct such examinations and investigations as are hereby authorized. The Tax Collector is hereby authorized to examine any person concerning any payroll expense which was or should have been declared on a return and to this end may order the production in San Francisco of all books, papers and records which the Tax Collector believes may have relevance to the amount of taxable payroll expense under this Article and to order the attendance of all persons, whether as taxpayers, supposed taxpayers or witnesses whom the Tax Collector believes to have any knowledge thereof. The refusal of such examination by any taxpayer shall be deemed a violation of this ordinance. Any information obtained as a result of any return, investigation, hearing or verification required or authorized by this ordinance, shall be confidential except for official purposes and except in accordance with judicial order. Any person otherwise divulging such information shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment for not more than six months or both such fine and imprisonment for each offense.

Notwithstanding any other provision of any City ordinance the Tax Collector is authorized to enter into agreements with the California Franchise Tax Board, the State Board of Equalization, and/or the Internal Revenue Service providing for the exchange of information for official purposes of said agencies, and to implement any such agreement through the exchange of information.

Notwithstanding any provision of this or any other City ordinance, any information contained in a tax return required to be filed under this ordinance by a person or entity which has entered

into a property occupancy contract with the City and County of San Francisco or with a nonprofit garage corporation may be utilized by the City and County of San Francisco, through its authorized officers and employees, in order to assist in monitoring, auditing, or enforcing the performance of said person or entity under such property occupancy contract. For purposes of this Section, (a) "property occupancy contract" shall include any lease, sublease or other contract for the occupancy of real property owned by the City and County of San Francisco, or owned by a nonprofit garage corporation, and (b) a "nonprofit garage corporation" shall mean any nonprofit corporation formed for the purpose of aiding and assisting the City and County of San Francisco in constructing or acquiring a public off-street parking facility, which such nonprofit corporation has issued revenue bonds, the interest on which is exempt from federal income tax.

It is a violation of this ordinance for the Tax Collector, or any other officer or employee of the City and County of San Francisco authorized to obtain tax records under this ordinance or any person having an administrative duty under this ordinance to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records or any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested may be given information as to the items included in the measures and amount of any unpaid tax or amounts of tax required to be collected, interest and penalties.

SEC. 909. INTEREST AND PENALTIES. (a) All taxes imposed by this ordinance and remaining unpaid after delinquency, including any deficiency in payment of taxes, shall bear interest from the date of delinquency at the rate of one percent per month, or fraction thereof, for each month of said delinquency, and the delinquent taxpayer shall be liable for said tax and interest and, in addition thereto, unless the Tax Collector determines that the delinquency is not due to any fault on the part of the taxpayer, the said delinquent taxpayer shall be liable for a late-payment penalty of 10 percent of the amount of the underpayment.

(b) Every person, including persons exempt from paying tax under the provisions of Section 905A (Small Business Exemption), who has failed to file a return as required by Section 907(b) of this ordinance and/or has failed to respond to a written request for financial information as required by Section 907.1(b), shall be liable to the Tax Collector for a penalty in the amount of $100 for each tax year either a return or a response to the request for financial information has not been received by the Tax Collector within the prescribed time limit. Said penalty shall be in addition to any other liability that may be imposed under the provisions of this ordinance.

SEC. 910. UNDERPAYMENTS OF TAX. (a) If any person fails to make a return, the Tax Collector shall make an estimate of the amount of the Taxpayer's Payroll Expense attributable to the City and County of San Francisco for the period or periods in respect to which the person failed to make a return based upon any information which is in the Tax Collector's possession or may come into the Tax Collector's ((his)) possession. Upon the basis of this estimate the Tax Collector shall compute and determine the amount required to be

paid to the City and County, adding the sum thus arrived at the late-payment penalty provided for herein, following which the Tax Collector shall prepare and service personally or by mail a No Return Determination on the taxpayer.

If the failure of any person to file a return is due to fraud or an intent to evade this ordinance or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the late-payment penalty provided herein.

(b) If the Tax Collector is not satisfied with the return or returns of the tax or the amount of tax required to be paid to the City and County by any person, the Tax Collector ((he)) may, upon the basis of any information within the Tax Collector's ((his)) possession or that may come into the Tax Collector's ((his)) possession compute and determine the amount required to be paid, adding to the sum thus arrived at the late-payment penalty provided for herein, following which the Tax Collector shall prepare and serve personally or by mail, a Deficiency Determination on the taxpayer.

If any part of the deficiency for which a Deficiency Determination is made is due to fraud or an intent to evade this ordinance or authorized rules and regulations, a penalty of 25 percent of the amount of the determination shall be added thereto.

(c) With respect to any No Return Determination or Deficiency Determination made hereunder, the Tax Collector may offset overpayments for a period or periods, against underpayments. One or more determinations may be made for one or for more than one period. Every Deficiency Determination shall be served or mailed within three years after the date upon which the tax became delinquent, or within three years after the return is filed,

whichever period expires later; provided, however, there shall be no limitation on the time in which a No Return Determination or a Deficiency Determination may be mailed in cases of fraud, intent to evade this ordinance or authorized rules and regulations or failure to make a return.

SEC. 910.1 JEOPARDY ASSESSMENTS, DUTY OF TAX COLLECTOR TO MAKE, DUE DATE, PETITION FOR REDETERMINATION, TIME FOR FILING, AND DEPOSIT OF SECURITY. (a) If the Tax Collector believes that the collection of any tax or any amount of tax required to be collected and paid to the City and County or of any determination will be jeopardized by delay, the Tax Collector ((he)) shall thereupon make a determination of the tax or amount of tax required to be collected, noting that fact upon the determination. The Tax Collector shall give the person against whom the determination is made, written notice thereof in the manner prescribed in Section 910. The amount so determined is immediately due and payable. Evidence that any person otherwise liable to pay tax pursuant to this Article, intends to discontinue business operations or transfers all or a substantial portion of the business assets, or causes a notice of Bulk Transfer as defined in Section 6102 of the California Commercial Code to be published, shall be deemed prima facie evidence that the collection of tax is in jeopardy.

(b) If the amount specified in the jeopardy determination is not paid within 10 days after service of notice thereon upon the person against whom the determination is made, the assessment becomes final at the expiration of the 10 day period unless a Petition for Redetermination is filed within the 10 days; and the delinquency penalty and the interest provided in Section 909 shall

attach to the amount of the tax or the amount of the tax required to be collected.

SEC. 911. OVERPAYMENT OF TAXES. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the City and County under this ordinance, it may be refunded provided a verified claim in writing therefor stating the specific ground upon which said claim is founded, is filed with the Tax Collector within three years from date of payment. The claim shall be audited in the manner provided for in the Charter and shall be made on forms provided by the office or department which collected said tax. If the claim is approved by the Tax Collector and by the Controller, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected, or by whom paid, and the balance may be refunded to such person, his <u>or her</u> administrators or executors. Any such amounts shall bear interest at the rate of 2/3 of one percent per month or fraction thereof; or the average rate of interest computed over the preceding six-month period, lawfully obtainable by the San Francisco Treasurer on deposits of public funds at the time refund is made, whichever rate is lower, and shall be computed from the date of filing of the claim to the date of refund. However, any amount refunded as a result of final judicial determination of the invalidity of any portion of, or amendment to this Article, or the invalidity of any administrative interpretation thereof, shall bear interest at the rate of 2/3 of one percent per month, or fraction thereof; or the average rate of interest computed over the preceding six-month period, lawfully obtainable by the San Francisco Treasurer on deposits of public funds at the time refund

is made, whichever rate is lower, and said interest shall be computed from the date of payment to the date of refund, regardless of the date of claim, and regardless of whether originally paid under protest.

If the claim for refund is denied, the Tax Collector shall serve notice of such denial upon the taxpayer personally or by mail. The denial of such claim becomes final 30 days after service of notice thereof, unless a Petition for Refund is filed with the Board of Review prior to expiration of such 30 day period. Petitions for Refund, after having been filed with the Board of Review, shall be treated in the same manner as Petitions for Redetermination.

SEC. 912. PETITION FOR REDETERMINATION. Any person against whom a Deficiency Determination or a No Return Determination is made under this ordinance or any person directly interested may petition the Tax Collector for a redetermination within 30 days after service upon the person of notice thereof. If a Petition for Redetermination is not filed within the 30 day period, the determination becomes final at the expiration of the period. If a Petition for Redetermination is filed within the 30 day period, the Tax Collector shall reconsider the determination and, if the person has so requested in <u>the</u> ((his)) petition, shall grant the person an oral hearing and shall give <u>the person</u> ((him)) 10 days' notice of the time and place of the hearing. The Tax Collector may continue the hearing from time to time as may be necessary. The Tax Collector may decrease or increase the amount of the determination before it becomes final but the amount may be increased only if a claim for the increase is asserted by the Tax Collector at or before the hearing. The order or decision of the Tax Collector upon a

Petition for Redetermination becomes final 30 days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the Board of Review within 15 days after service of such notice in which case the order or decision of the Tax Collector shall be stayed pending a determination on such appeal by said Board of Review. All determinations made by the Tax Collector are due and payable at the time they become final except in the case of an appeal to the Board of Review. If they are not paid when due and payable, a penalty of 10 percent of the amount of the determination, exclusive of interest and penalties, shall be added thereto. Any notice relating to redetermination proceedings shall be served personally or by mail.

SEC. 913. BOARD OF REVIEW. A Board of Review, consisting of the Chief Administrative Officer, the Controller and the Assessor, is hereby created. The Board shall select from its members a chairman who shall serve at its pleasure. Any member of the Board may deputize in writing filed with the Board any members of his or her office to serve in the member's ((this)) place on such Board for such period or in such hearing as the member ((he)) may desire. A majority of the members of the Board shall constitute a quorum. The Board shall keep a record of its transactions. The Board shall be deemed to be in the office of the Chief Administrative Officer, shall meet and keep its files in the Chief Administrative Officer's ((his)) office, and all filing with the Board relating to appeals or otherwise shall be made at such office. Neither the members of the Board nor the members of their offices deputized to serve in their place at any time shall receive any compensation as such members or acting members for their services on the Board.

The Board shall have power, and it shall be its duty:

(1) To review and to make its ruling upon any Petition for Redetermination or Petition for Refund, provided that the taxpayer shall have timely filed said petition. As to any question of fact upon which the Tax Collector's decision was based, including any questions involving apportionment or penalties, the Board of Review may modify or revoke the decision of the Tax Collector, or it may affirm such decision and dismiss the petition. The Board shall not make any ruling inconsistent with the requirements of this ordinance, nor is the Board authorized to relieve any taxpayer by reason of hardship alone from tax properly due under this ordinance. The Board shall prescribe such forms, rules and regulations relating to appeals as it may deem necessary. In the review of the Tax Collector's decision, the Board shall not be limited to a review of the evidence upon which the Tax Collector made the ((his)) decision, but may take such evidence and make such investigation as it may deem necessary. It shall serve notice of its ruling personally or by mail, and shall file a copy of each such ruling with the Tax Collector with certification thereon the date and service thereof;

(2) To approve, modify or disapprove all forms, rules and regulations prescribed by the Tax Collector in the administration and enforcement of this ordinance and such forms, rules and regulations shall be subject to, and become effective only on such approval; provided, however, any rules and regulations adopted by the Tax Collector shall also be approved by the City Attorney, and further provided that any modification determined by the Board of Review shall be approved as to legal form by the City Attorney before coming effective;

(3) To hear and determine in such manner as shall be just, any protest which may be made by any person who may be interested,

to any form, rule or regulation approved or prescribed by the Board;

(4) To grant for good cause, applications for extensions of time in excess of 60 days, for making any return or payment of tax, and to prescribe rules therefor.

SEC. 914. ENFORCEMENT. All taxes imposed by this ordinance, together with all interest and penalties, shall be recoverable by the City and County as other debts of like amounts are recoverable. In prosecuting such actions, the Tax Collector shall be entitled to all of the provisional remedies provided in the California Code of Civil Procedure, including but not limited to, prejudgment attachment. Any such action shall be commenced within three years from the date any assessment of any additional tax becomes final or within three years from the date the return is filed, whichever period expires the later; provided, however, that there shall be no limitation on the time in which such actions shall be commenced in cases of fraud, intent to evade this Article, or failure to make a return. The Tax Collector may bring an action in the courts of this State, or any other state, or of the District of Columbia, or of the United States and its territories and possessions in the name of the City and County of San Francisco to collect the amount delinquent, together with penalties and interest.

SEC. 915. MISDEMEANOR. Any person or taxpayer who shall refuse to permit the Tax Collector, or the Tax Collector's ((his)) duly authorized deputy or agent, to examine his or her books, records or papers, or who shall knowingly make an incomplete, false or fraudulent return or who shall attempt to do anything whatsoever to avoid the full disclosure of the amount of payroll expense, shall be deemed guilty of a misdemeanor and shall be subject to a fine of

not more than $500 or to imprisonment for not more than six months, or to both such fine and imprisonment.

SEC. 916. SAVINGS CLAUSE. If any sentence, clause or Section or any part of this ordinance is for any reason held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, Sections or parts of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, Section or part thereof not been included therein.

SEC. 917. CONSTITUTIONAL EXEMPTION. Nothing in this ordinance shall be construed as requiring the payment of any tax by the United States of America, or by the State of California, or by any municipal corporation, or by any of their subdivisions; nor shall this ordinance be construed as requiring the payment of any tax prohibited by the Constitution of the United States or by the Constitution of the State of California.

SEC. 917.1 EXEMPTIONS: PERSONS SUBJECT TO GREATER TAX LIABILITY UNDER BUSINESS TAX ORDINANCE. Nothing in this ordinance shall be construed as requiring the payment of any tax hereunder by a person who is subject to tax under the provisions of Ordinance No. 245-68 (Business Tax Ordinance) if the person's ((his)) tax liability as computed hereunder is less than his or her tax liability as computed under the provisions of Ordinance No. 245-68 (Business Tax Ordinance).

SEC. 918. DUTIES OF SUCCESSORS OR ASSIGNEES OF OPERATOR TO WITHHOLD TAX FROM PURCHASE MONEY. To the extent permitted by Division 6 of the California Commercial Code and Sections 6106 and 6106.1 thereof, if any person liable for any amount under this ordinance transfers his or her business interest to another person, the transferee and/or the transferee's ((his)) successors or assignees, shall withhold sufficient of the purchase price to satisfy the amounts owing pursuant to this ordinance until the transfer or produces either a receipt from the Tax Collector showing that all of the transferor's taxes have been paid, or a certificate stating that no amount is due.

SEC. 918.1 LIABILITY FAILURE TO WITHHOLD CERTIFICATE OF NOTICE OF AMOUNT DUE, AND TIME TO ENFORCE SUCCESSOR'S LIABILITY. To the extent permitted by Division 6 of the California Commercial Code, if the transferee of a business fails to withhold from the purchase price as required, the transferee ((he)) becomes personally liable for the payment of the amount required by Section 918 to be withheld by the transferee ((him)) to the extent of the purchase price valued in money. Within 30 days after receiving a written request from the purchaser for a certificate, the Tax Collector shall either issue the certificate that no tax is due, or mail a notice of the amount that must be paid as a condition of issuing the certificate to the purchaser at his or her address, as it appears on the records of the Tax Collector. Failure of the Tax Collector to timely mail the notice will not release the purchaser from the ((his)) obligation created under Section 918 of this ordinance, except to the extent of penalties and interest in the event that the Tax Collector enforces the purchaser's obligation in a civil action authorized pursuant to this ordinance. The time within which the

obligation of a successor may be enforced, shall start to run at the time the operator transfers the ((his)) business, or at the time that the Tax Collector's determination against the operator becomes final, whichever event occurs the later.

Section 2. Effective Date. This ordinance shall become effective upon passage, as provided in Section 2.304 of the Charter, except that the tax increases provided for herein shall become operative on ~~January~~ July 1, 1988, and shall not apply prior to said date.

7/13/88
BST

Section 3. The tax increase imposed by this ordinance shall remain in effect only until July 1, 1989, and as of that date is repealed, unless the Board of Supervisors adopts an ordinance prior to July 1, 1989 continuing the tax increase.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____
Deputy City Attorney

1958g

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 25, 1988	§	August 1, 1988
	§	
	§	
Ayes: Supervisors Britt Hongisto	§	Ayes: Supervisors Britt Hongisto
Kennedy Silver Walker Ward	§	Molinari Silver Walker Ward
	§	
Noes: Supervisors Gonzalez Hsieh	§	Noes: Supervisors Gonzalez Hsieh
Maher Molinari Nelder	§	Maher Nelder
	§	
	§	Absent: Supervisors Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
127-88 9

Date Approved

Mayor

FILE NO. 127-88-10 ORDINANCE NO. 358-88

[Business Tax]

AMENDING ARTICLE 12-B OF PART III OF THE SAN FRANCISCO MUNICIPAL CODE (BUSINESS TAX ORDINANCE) BY AMENDING SECTION 1002.15 CHANGING DEFINITION OF A DEVELOPER, AMENDING SECTIONS 1004, 1004.01, 1004.02, 1004.03, 1004.04, 1004.05, 1004.06, 1004.07, 1004.08, 1004.09, 1004.10, 1004.11, 1004.12, 1004.13, 1004.15, AND 1004.16 INCREASING RATES OF TAX; AMENDING SECTION 1005.3 CHANGING SMALL BUSINESS EXEMPTION; AND PROVIDING FOR EFFECTIVE DATE OF ~~JANUARY~~ JULY 1, 1988.

7/13/88 BST

NOTE: Additions or substitutions are underlined; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 12-B of Part III of the San Francisco Municipal Code (Business Tax Ordinance) is hereby amended by amending Sections 1002.15, 1004, 1004.01, 1004.02, 1004.03, 1004.04, 1004.05, 1004.06, 1004.07, 1004.08, 1004.09, 1004.10, 1004.11, 1004.12, 1004.13, 1004.15, 1004.16 and 1005.3 thereof to read as follows:

ARTICLE 12-B

BUSINESS TAX ORDINANCE

AUG 25 1988

Sec. 1001. Short Title.
Sec. 1002. Operation of Definitions.
Sec. 1002.1. "Business."
Sec. 1002.2. "Business Tax."
Sec. 1002.3. "Cash Discount."
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SEC. 1001. SHORT TITLE. This ordinance shall be known as the "Business Tax Ordinance."

SEC. 1002. OPERATION OF DEFINITIONS. Except where the context otherwise requires, the terms used in this ordinance shall have the meaning given to them in Sections 1002.1 - 1002.15, inclusive, of this ordinance.

SEC. 1002.1. "BUSINESS." The term "business" shall include all activities engaged in or caused to be engaged in within this City and County, with the object of gain, benefit or advantage, whether direct or indirect, to the taxpayer or to another or to others, but shall not include the services rendered by an employee to his or her employer or a casual or isolated transaction. Although an activity of a taxpayer may be incidental to another or other of the taxpayer's ((his)) business activities, each such activity shall be considered to be business engaged in within the meaning of this ordinance.

SEC. 1002.2. "BUSINESS TAX." The term "business tax" shall mean the tax imposed upon persons engaged in the businesses or occupations described herein for engaging in such businesses or occupations, employing or loaning capital on property, or maintaining an office or other fixed place of business in the name of, or for the benefit of such persons, in the City and County of San Francisco.

SEC. 1002.3. "CASH DISCOUNT." A deduction from the invoice price of goods or charge for services which is allowed if the bill is paid on or before a specified date.

SEC. 1002.4. "CITY AND COUNTY." The City and County of San Francisco.

SEC. 1002.5. "ENGAGING IN BUSINESS." Commencing, conducting, or continuing in business and also the exercise of corporate or

franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

SEC. 1002.6. "GROSS RECEIPTS." The term "gross receipts" as used in this ordinance is defined, except as otherwise specifically provided, as follows:

The total amount of the sale price of all sales (except retail merchandise service charges), the total amount charged or received for the performance of any act, service or employment of whatever nature it may be, whether such service, act or employment is done as a part of or in connection with the sale of goods, wares, merchandise or not, for which a charge is made or credit allowed, including all receipts, cash, credits and property of any kind or nature, any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses (except bad debts and uncollectables) or any other expense whatsoever; provided, that cash or trade discounts, promotional allowances, quantity discounts, advertising allowances, or advertising discounts allowed or taken on sales shall not be included. Gross receipts shall also include the amount of any Federal manufacturers' or importers' excise tax included in the price of the property sold (except that for any taxable year beginning after December 31, 1969, in the case of wholesale sales only the tax imposed by Section 5701 of the United States Internal Revenue Code) or California excise tax included in the price of the property sold (except that for any taxable year beginning after December 31, 1969, in the case of wholesale sales only the tax imposed by Section 30101 of the Revenue and Taxation Code of the State of California) even though the manufacturer or

importer is also the retailer thereof and whether or not the amount of such tax is stated as a separate charge. Gross receipts shall not include the amount of any federal tax imposed on or with respect to retail sales whether imposed upon the retailer or upon the consumer and regardless of whether or not the amount of federal tax is stated to customers as a separate charge, or any California State, City or City and County sales or use tax or transient occupancy tax included in or added to the purchase price and collected from the consumer or purchaser, or such part of the sales price of any property previously sold and returned by the purchaser to the seller which is refunded by the seller by way of cash or credit allowances given, or any tangible personal property taken in part payment on any sale or the proceeds from the sale of personal property received by a seller from a purchaser of property as part of the consideration paid by the purchaser to the seller.

As used in this Section, the term "gross receipts" does not include any of the receipts enumerated in Sections 1002.6-1 to but not including Section 1002.7 hereof.

SEC. 1002.6-1. Receipts from a trade, calling, occupation, vocation, profession or other means of livelihood, which this City and County is prohibited from taxing under the Constitution or laws of the United States or under the Constitution or laws of the State of California.

SEC. 1002.6-2. Receipts of any organization having a formally recognized exemption from income taxation pursuant to Section 501(c) or 501(d) or 401(a) of Title 26 of the United States Code as qualified by Sections 502, 503, 504 and 508 of Title 26 of the United States Code.

SEC. 1002.6-5. Receipts of persons acting as agents or brokers, other than receipts received as commissions or fees earned

or charges of any character made or compensation of any character received for the performance of any service as agent or broker; provided that any agent or broker dealing in stocks or other similar written instruments evidencing a right to participate in the assets of any business, or dealing in bonds or other evidence of indebtedness, who also deals in such property as a principal, shall include in the gross receipts by which the tax is measured the amount of his <u>or her</u> trading profits resulting from such dealings. No deduction from receipts attributable to trading as a principal shall be made unless such deduction is provided for under Sections 1002.6 through 1002.6-13 of this ordinance.

SEC. 1002.6-6. Receipts from the operation of any motor vehicle or equipment along the streets of this City and County if such operation is merely occasional and incidental to a business conducted elsewhere; provided that no operation shall be deemed merely occasional if trips or hauls are made beginning or ending at points within this City and County upon an average more than 13 times in any quarter, and a business shall be deemed to be conducted within this City and County if an office or agency is maintained here or if transportation business is solicited here.

SEC. 1002.6-8. Receipts from the operation of any motor vehicle for any day or fraction thereof when such vehicle is operated exclusively on any day to transport students or members of bona fide youth organizations and their supervising adults to and from public or private schools, school events, or other youth activities, without regard to the manner or source of compensation to the operator.

SEC. 1002.6-9. Receipts derived from the sale of real property; provided, however, that receipts derived from the sale of real property by any person engaged in the business of developing

and selling property shall be subject to tax under Section 1004.07 of this ordinance.

SEC. 1002.6-10. Receipts from services or sales in transactions between affiliated corporations. An affiliated corporation is a corporation:

(i) The voting and nonvoting stock of which is owned by at least 80 percent by such other corporation with which such transaction is had; or

(ii) Which owns at least 80 percent of the voting and nonvoting stock of such other corporation; or

(iii) At least 80 percent of the voting and nonvoting stock of which is owned by a common parent corporation which also has such ownership of the corporation with which such transaction is had.

SEC. 1002.6-12. Receipts derived from services or sales in transactions initiated or consummated at closed conventions. A closed convention is hereby defined to be an assemblage of delegates to or members of a formally established organization devoted to trade, industrial or commercial purposes, and to which only such delegates or members are admitted, to the exclusion of the general public, and where services or sales are not accompanied by immediate performance or delivery but are predicated upon orders taken for future performance or delivery.

SEC. 1002.6-13. Receipts derived from the operation of Skilled Nursing Facilities licensed under the provision of Title 22, California Administrative Code, Division 5 ("Licensing and Certification of Health Facilities and Referral Agencies"), Chapter 3 ("Skilled Nursing Facilities").

SEC. 1002.7. "NEWLY ESTABLISHED BUSINESS." The term "newly established business" shall mean a business which was not engaged in during the immediately preceding business tax period specified for

that kind of business. A business to which a valid existing registration certificate is transferred is not a newly established business and shall be taxed as if the ownership had not changed.

The following shall not be considered newly established businesses:

1. The business engaged in from a new location whether within or outside the City and County when the business conducted and taxed at the location used during the preceding business tax period was discontinued at the same time or prior to commencement of business at the new location;

2. The business engaged in during the current business tax period is the same kind as that engaged in during the immediately preceding period, but not at the close thereof;

3. The business engaged in during the current tax period, though not in fact the same kind of business, is taxed under the same Section as the business engaged in during, but not necessarily throughout, the immediately preceding tax period.

Provided that the Tax Collector may, on written application by the taxpayer, and after considering all the circumstances, find that a business described in this paragraph is in fact new and not a continuation of a business engaged in during the immediately preceding business tax period.

SEC. 1002.8. "PERSON." The term "person" shall mean any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the State of California, domestic or foreign corporation, association, syndicate, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise, the United States or any

instrumentality thereof, and any natural person who as an individual or with a spouse, owns 51 percent or more of the capital stock of a corporation obligated to file returns and pay tax pursuant to this ordinance, and in addition, is a person with the power to control the fiscal decision-making process by which the corporation allocates funds to creditors in preference to its tax obligations under the provisions of the ordinance. A person as defined herein, who is also an officer or director or a corporation obligated to file returns and pay tax pursuant to this ordinance, shall be presumed to be a person with the power to control the fiscal decision-making process. Whenever the term "person" is used in any clause prescribed and imposing a penalty, the term as applied to associations shall mean the owners or part-owners thereof, and as applied to corporations, the officers thereof.

SEC. 1002.9. "REGISTRATION CERTIFICATE." "Registration Certificate" shall mean Business Tax Registration Certificate.

SEC. 1002.10. "SALE" AND "SELL." "Sale" and "sell" shall be deemed to include and refer to: The making of any transfer of title, in any manner or by any means whatsoever, to tangible personal property for a price, and to the serving, supplying or furnishing, for a price, of any tangible personal property fabricated or made at the special order of consumers who do or who do not furnish directly or indirectly the specifications therefor. A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definitions shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of the law.

SEC. 1002.11. "SALES FOR CONVENIENCE." "Sales for convenience" shall mean a sale of new goods, wares, or merchandise

by a person engaged in selling such articles to another person engaged in selling like or similar kinds of articles:

(i) Where the primary purpose of the particular transaction or sale is to accommodate the purchaser rather to make a sale in the ordinary course of business;

(ii) Where, in the particular kind of business involved, a similar manner of dealing is frequent or customary in the circumstances under which the particular sale is made; and

(iii) Where goods, wares, or merchandise of like or similar kind and of substantially equivalent value to that which was sold is received in consideration.

The following types of transactions are sales for convenience within the meaning of this Section when the circumstances stated in paragraphs (i), (ii) and (iii) are present:

(1) Transactions in which the seller conveys an article which is in short supply, or which, under the circumstances, cannot be obtained by the purchaser through normal sources of supply in sufficient time to permit the purchaser to furnish an equivalent article to a prospective customer;

(2) Transactions in which, by reason of the seller's more convenient location relative to a designated point of delivery, the purchaser agrees to reimburse the seller for delivering goods, wares or merchandise at that point to the purchaser's customer in accordance with a contract of sale between the purchaser and the purchaser's ((his)) customer;

(3) Transactions in which, as a matter of business practice, the form of a sale is arranged and entered into by the seller and the purchaser as a substitute for or the equivalent of the transportation of the article or the payment of transportation charges on the article from the point of the delivery to some other

point;

(4) Transactions different in detail from those described in the three immediately preceding paragraphs of this Section, but which the Tax Collector has found and by rule determined to be of a kind whose primary purpose is to accommodate the purchaser rather than to make a sale in the ordinary course of business; of a kind which, in the particular kind of business involved, is frequent or customary in the circumstances under which a particular sale is made; and of a kind where goods, wares or merchandise of like or similar kind, and of substantially equivalent value to that which was sold is received as consideration.

No sale shall be considered a sale for convenience within the meaning of this Subsection unless it is of a kind described in paragraphs (1), (2), (3) or (4) of this Subsection.

SEC. 1002.12. "SELLING GOODS, WARES OR MERCHANDISE." "Selling Goods, Wares or Merchandise" shall, unless otherwise specifically provided and in addition to any other meaning established by law, be deemed to extend to and include in its application the serving or supplying of meals for a fee or charge; but sales of goods, wares or merchandise by persons engaging in selling such articles shall not be considered as producing gross receipts to the extent that such sales are sales for convenience.

SEC. 1002.13. "SUCCESSOR." Any person who, through direct or mesne conveyance, purchases or succeeds to the business or portion thereof, or the whole or any part of the stock of goods, wares, merchandise, or fixtures, or any interest therein of a taxpayer quitting, selling out, exchanging or otherwise disposing of his <u>or her</u> business. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety

or guarantor.

SEC. 1002.14. "TAX COLLECTOR." The Tax Collector of the City and County of San Francisco.

SEC. 1002.15. "ENGAGED IN THE BUSINESS OF DEVELOPING AND SELLING REAL PROPERTY." (a) A person shall be deemed to be engaged in the business of developing and selling real property who:

(1) As a subdivider, as that term is defined in Section 66423 of the Government Code, has <u>sold subdivided property within San Francisco pursuant to a permit or authorization from the State Real Estate Commissioner</u> ((recorded a subdivision map respecting the property sold in accordance with the Subdivision Map Act of California; provided, however, that a person filing or joining the filing of a subdivision map for the sole purpose of accomplishing a street vacation shall not be considered a subdivider)); or

(2) Sells two or more pieces of real property within a calendar year and upon each of which a building was constructed or caused to be constructed by the seller; provided such sales were within three years of the recordation by anyone of a subdivision map respecting the property sold pursuant to the Subdivision Map Act; or

(3) Sells any real property upon which said person has constructed or caused to be constructed an apartment house or commercial building; provided such sale is either prior to or within three years after the <u>date the building or any portion thereof is first occupied by a tenant</u> ((issuance of a Certificate of Occupancy or its equivalent respecting the property sold)).

(b) For the purposes of this Section, the term "gross receipts" shall not include proceeds realized from the sale of property through foreclosure, to an Agency proposing to take the land under eminent domain proceedings, the exercise of a power of sale contained in a deed of trust or mortgage; bankruptcy,

assignment for the benefit of creditors or by court order; or the unpaid balance of any encumbrance of record upon the property (i) existing prior to the sale and remaining in existence between the same parties following the sale; (ii) with respect to which a deficiency judgment is prohibited under the provisions of Code of Civil Procedure Section 580(b), whether or not it is extinguished by reason of the sale.

SEC. 1003. IMPOSITION OF TAX REGISTRATION. (a) Subject to the provisions of this ordinance, a business tax registration certificate must be obtained and displayed on the business premises by every person engaged in business within the City and County, regardless of whether or not such person is subject to tax hereunder. Subject to the provisions of this ordinance, a business tax must be paid by every person engaged in any of the businesses specified in Section 1004 through 1004.13 inclusive, or Section 1004.15 of this ordinance within the City and County, and a business tax is hereby imposed in the amount prescribed in the applicable provision.

No person shall engage in any business subject to tax under the provisions of this ordinance, without obtaining a registration certificate and paying the tax required herein The business tax registration certificate required to be obtained and the tax required to be paid are hereby declared to be required pursuant to the taxing power of the City and County of San Francisco, solely for the purpose of obtaining revenue. Compliance with such requirements shall not be construed as a condition precedent to engaging in any business within the City and County where the imposition of such a condition precedent would be contrary to law.

(b) Business Tax Registration Certificate - Transfer.

No registration certificate shall be transferable, except where

the business taxed is transferred, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership of the business after the transfer is substantially similar to the real or ultimate ownership existing before the transfer. For the purpose of this section, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity herein defined to be a person, are regarded as having the real or ultimate ownership of such corporation or other entity.

SEC. 1004. FIXED PLACE OF BUSINESS. Subject to the provisions of Section 1005.1 of this ordinance, for every person maintaining an office or other fixed place of business in the City and County of San Francisco there shall be a minimum tax of $26.20 (($24)) per year, whether or not any gross receipts of such person are derived from or attributable to the business activities engaged in by such person in the City and County of San Francisco; provided, however, that where the gross receipts of any such person are subject to tax under any of Sections 1004.1 to 1004.13 inclusive or under Section 1004.15 hereof, this Section shall not be applicable to such person.

SEC. 1004.01. COMMISSION MERCHANT OR BROKER.

(a) For every person engaged in the business of a commission merchant or broker, the tax shall be $16.00 per year or fractional part thereof for the first $4,000 or less of gross receipts, plus $4.00 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $4,000. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the month in which the Controller reports to the Board of Supervisors that in his opinion, the proceeds derived from the levy of the Payroll Expense Tax imposed by Ordinance No. 275-70, are legally available to meet

the appropriations made by the Board of Supervisors)), at which time the tax shall be $8.00 per year or fractional part thereof for the first $4,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $4,000; provided, however, that commencing January 1, 1977, the tax shall be $11.00 per year or fractional part thereof for the first $5,000 or less of gross receipts, plus $2.20 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $5,000; provided, however, that during the period commencing April 1, 1980, and ending June 30, 1980, the tax shall be $15.00 per year or fractional part thereof for the first $5,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $5,000 ((.)); provided further that commencing July ~~January~~ 1, 1988 the tax shall be $16.00 per year or fractional part thereof for the first $5,000 or less of gross receipts in the year, plus $3.20 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $5,000.

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(b) For the purpose of this section, the business of commission merchant or broker shall be deemed to include the buying and selling of goods, wares or merchandise by a person to the extent that the person (1) does not engage in the business of manufacturing, refining, fabricating, milling, treating or other processing of the goods, wares or merchandise bought and sold, and does not cause said goods, wares or merchandise to be manufactured,

refined, fabricated, milled, treated or otherwise processed; (2) does not obtain or retain title to said goods, wares or merchandise except in one or more of the following situations: while such may be in transit, or for short periods of time before transportation commences or after it ceases; and (3) does not store or warehouse such goods, wares or merchandise except during one or more of the following situations: while such goods, wares or merchandise are actually in transit, or for short periods of time before transportation commences or after it ceases.

(c) "Gross receipts" shall mean, for the purpose of this section, all commissions charged or received, all receipts, cash, credits and property of any kind or nature received for the performance of any service, act or employment as a commission merchant or broker, or in connection with the business or being a commission merchant or broker, and all trading profits, without any deduction therefrom on account of trading losses, labor or service costs or other costs of engaging in business, or any other expense whatever.

(d) During the period commencing January 1, 1984 and ending December 31, 1984, the tax imposed by Section (a) above shall be $15.00 per year or fractional part thereof, for the first $5,000 or less of gross receipts in the year, plus $2.80 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $5,000 and the balance of the tax rate specified in subsection (a) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate

suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

SEC. 1004.02 CONTRACTOR.

(a) For every person engaged in business as a contractor, the tax shall be as follows: (i) with respect to gross receipts from contracts on which the contractor submitted a bid prior to August 17, 1968, there shall be no tax whatsoever; (ii) with respect to gross receipts from contracts on which the contractor submitted a bid between the dates of August 17, 1968, and August 17, 1970, the tax shall be $24 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000; (iii) with respect to gross receipts from contracts on which the contractor submitted a bid between the dates of August 18, 1970, and June 30, 1971, the tax shall be $48 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $4.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000; (iv) with respect to gross receipts from contracts on which the contractor submitted a bid between July 1, 1971 and September 30, 1975, the tax shall be $24 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000; (v) with respect to gross receipts from contracts on which the contractor submitted a bid on or after October 1, 1975, the tax shall be $22.00 per year or fractional part thereof for the first $10,000 or less of gross receipts, plus $2.20 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $10,000; however, (vi) with respect to

gross receipts from contracts on which the contractor submitted a bid during the period commencing April 1, 1980, and ending June 30, 1980, the tax shall be $30.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000; provided further that for the period commencing July 1, 1980 the tax shall be $30.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 ((.)); provided further that with respect to gross receipts from contracts on which the contractor submitted a bid on or after April 1, 1988 the tax shall be $32.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.20 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000.

(b) The term "contractor" as used herein means any person (except an owner who contracts for a project with another person who is licensed by the State of California as a contractor or architect or registered civil engineer acting solely in his professional capacity) who in any capacity other than as an employee of another with wages as the sole compensation, undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation, or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding, or other structures or works in connection therewith. The term "contractor" does not

include any person engaged in business as an architect or engineer.

(c) The meaning of the term "gross receipts" as used herein shall be that set forth in Section 1002.6; provided that such term shall include the total contract price for the work performed under the contract to which the contractor is a party, without deduction for subcontracts, and irrespective of whether the contract is one on a fixed price or on a cost-plus basis or one under the terms of which the contractor acts as agent for the owner. The term "gross receipts", however, shall include only receipts from contracts which cover jobs or projects with construction sites located within the city limits of the City and County.

(d) The term "bid" as used herein means the execution of any contract or any bid for a contract, whichever occurs first.

(e) During the period commencing January 1, 1984 and ending December 31, 1984, the tax imposed by Subsection (a)(vi) above shall be $30.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $2.80 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 and the balance of the tax rate specified in Subsection (a)(vi) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

SEC. 1004.03. HOTEL, APARTMENT, ETC.

(a) Subject to the limitations stated herein, for every person

engaged in the business of conducting or operating a hotel, rooming house, boarding house, apartment house, lodging house, house court or bungalow court, and every person engaged in the business of renting or letting rooms, apartments or other accommodation for dwelling, sleeping or lodging in any such place, the tax shall be $30.00 per year or fractional part thereof for the first $15,000 or less of gross receipts derived from such business or businesses, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $15,000. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the month in which the Controller reports to the Board of Supervisors, that, in his opinion, the proceeds derived from the levy of the Payroll Expense Tax imposed by Ordinance No. 275-70, are legally available to meet appropriations made by the Board of Supervisors)), at which time the tax shall be $15.00 per year or fractional part thereof for the first $15,000 or less of gross receipts, plus $1.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $15,000; provided, however, that commencing January 1, 1977, the tax shall be $11.00 per year or fractional part thereof for the first $10,000 or less of gross receipts, plus $1.10 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $10,000; provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $15.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $1.50 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000; provided further that commencing July 1, 1980 the tax shall be $15.00 per year or fractional part thereof for the first $10,000 or less of gross

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receipts in the year, plus $1.50 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 ((.)); provided further that commencing ~~January~~ July 1, 1988 the tax shall be $16.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $1.60 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000.

(b) Nothing in this section shall be construed to require that a registration certificate be obtained or a tax paid by any person engaged in the business of renting or letting apartments in a structure consisting of less than four units.

(c) At the time the tax provided for herein is remitted, the Tax Collector may require the registrant to furnish a statement of the number of such businesses conducted by him, giving the street address of each location, number of units at each location, and the amount of gross receipts attributable to each location.

(d) The Tax Collector may require a person engaged in any business taxed by this section to furnish such information as may be necessary in order for the Tax Collector to determine the nature of the ownership of the business, and the amount of interest which parties to the ownership of the business claim or possess. Notice of such determination made by the Tax Collector shall be served on the persons or parties affected by his determination in the same manner as notices of deficiency determination are served under the provisions of subsection (f) of Section 1010.

(e) During the period commencing January 1, 1984 and ending December 31, 1984, the tax imposed by Subsection (a) above shall be $15.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $1.40 for each additional $1,000, or fractional part thereof, of gross receipts during the

period in excess of the first $10,000 and the balance of the tax rate specified in Subsection (a) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

SEC. 1004.04 LAUNDRY, CLEANING AND DYEING, AGENT, COLLECTOR, LINEN SUPPLY. (a) For every person engaged in the business of washing, ironing, drying, cleaning, dyeing, sizing, blocking or pressing any clothing, wearing apparel, garment, linen, fabric or similar material, or similar article of personal property, whether accomplished by hand, machine or any coin operated machine operated by such person, his employee or any customer, or furnishing or letting the use of any towels, linen, aprons, bedding, napkins, table covers, or other article of similar nature, or collecting or delivering any such article as an agency or otherwise for a fee or charge, the tax shall be $30.00 per year or fractional part thereof for the first $15,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $15,000; provided that a person engaged in a business subject to tax under this section, who, at the same location is also engaged in any business subject to tax under Section 1004.08 of this ordinance, or, at the same location makes minor alterations or repairs to the clothing, wearing apparel, garments, linens, fabrics or similar material being washed, ironed, dried, cleaned, dyed, sized, blocked or pressed, in lieu of paying a

separate business tax and obtaining separate registration certificates under this ordinance for the conduct of each such business may combine the gross receipts of all such businesses at the location and upon the basis of that computation pay a combined business tax and obtain a single registration certificate under this section for all such businesses. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the month in which the Controller reports to the Board of Supervisors that, in his opinion, the proceeds derived from the levy of the Payroll Expense Tax imposed by Ordinance No. 275-70, are legally available to meet appropriations made by the Board of Supervisors)), at which time the tax shall be $15.00 per year or fractional part thereof for the first $15,000 or less of gross receipts, plus $1.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $15,000; provided, however, that commencing January 1, 1977, the tax shall be $11.00 per year or fractional part thereof for the first $10,000 or less of gross receipts, plus $1.10 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $10,000; provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $15.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $1.50 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000; and provided that commencing July 1, 1980 the tax shall be $15.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $1.50 for each additional $1,000, or fractional part thereof, of gross receipts during the period, in excess of the first $10,000 ((.)); provided further that commencing

~~January~~ July 1, 1988 the tax shall be $16.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $1.60 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000.

(b) During the period commencing January 1, 1984 and ending December 31, 1984, the tax imposed by Section (a) above shall be $15.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $1.40 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 and the balance of the tax rate specified in Subsection (a) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

SEC. 1004.05. LENDING MONEY, ETC.

(a) Subject to the exceptions stated hereafter, for each person engaged in the business of lending money, advancing credit, or lending credit or arranging for the loan of money or advancing of credit or lending of credit for and on his own behalf or on behalf of any other person as principal, agent or broker, whether security of any kind is taken for such loan or advance or not; or purchasing or discounting or arranging for the purchase or discounting of any obligation or evidence of money due or to become due, whether such obligation or evidence is secured, guaranteed or not, and whether the person so purchasing or arranging for the purchase of the items

aforesaid acts as principal, agent or broker, the tax shall be $600.00 per year. Effective October 1, 1973, said tax shall be due and payable annually on or before the last day of the month of February next succeeding each respective annual period as provided in Section 1009(a) herein; provided, however, that proportional amounts of the payments made pursuant to the due date of October 1, 1972, shall be credited against the tax due for the calendar year 1973; provided, however, that for persons engaged in such business during the period commencing April 1, 1980 and ending June 30,1980, whether or not subject to such tax prior to April 1, 1980, said tax, for the calendar year 1980, shall instead be $800.00; provided, however, that for persons engaged in such business during the period commencing July 1, 1980, and ending December 31, 1980, whether or not subject to tax prior to July 1, 1980, said tax, for the calendar year 1980, shall instead be $800.00; provided, however, that no such taxpayer shall be subject to tax under this section in excess of $800.00 for the calendar year 1980; provided, however, that for calendar years following the calendar year 1980 said tax shall be $800.00 per year; provided, however, that for the calendar year 1984, the tax shall instead be $747 and the balance of the annual tax-rate of $800 is suspended for the above period ((subject to the following condition: That, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)); provided, however, that for calendar year 1988 and subsequent calendar years, said tax shall be

$854 per year.

(b) The tax imposed under the provisions of subsection (a) shall not apply to the business of lending money or advancing credit or arranging for the loan of money or the advancing of credit as principal or agent, where the obligation to repay the money lent or debt incurred or to compensate for the advance of credit is secured by a lien on real property, or some interest in real property, nor shall the provisions of this section apply to the business of purchasing, either as principal or agent, any debt or evidence of debt secured by any lien upon real property; nor shall the provisions of this section apply to any transaction involving the purchase or sale of real property. Further, the tax imposed under the provisions of subsection (a) shall not apply to a business all of which or substantially all of which consists of the purchase of unsecured accounts receivable without recourse. All persons engaged in businesses such as are described in this subsection shall be subject to tax under Section 1004.07. Persons covered by Section 1276.1 of the Police Code shall pay tax on their interest income under Section 1004.07 and shall pay tax on their retail sales under Section 1004.08.

(c) The tax imposed under the provisions of subsection (a) shall not apply to a person who, in the conduct of another business in the City and County, engages in a business of the kind described in subsection (a) solely with customers or suppliers of that other business; nor shall the tax apply to a person engaged in such a business, whether or not the relation of customer or supplier exists, when the person confines such business dealing to other persons who either stand in the relation of parent or subsidiary to him, or are so constituted as to have substantially common ownership with him; provided, however, if said other business is subject to a

tax under this ordinance measured by gross receipts, all interest and other charges received as a result of the activity described in subsection (a) shall be included in the gross receipts, by which the tax elsewhere imposed by this ordinance is measured; and if said other business is not subject to a tax measured by gross receipts, it shall pay a tax under the provisions of Section 1004.07 for engaging in the kind of activity described in subsection (a). If a person described in this subsection as exempt from the tax imposed under subsection (a) engages in the business there taxed with respect to persons other than those described in this subsection, the exemption shall not apply.

SEC. 1004.06. PERSONAL PROPERTY RENTAL.

(a) For every person engaged in the business of leasing or renting any tangible personal property and not specifically taxed by other provisions of this ordinance, the tax shall be $48.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $4.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the month in which the Controller reports to the Board of Supervisors that, in his opinion, the proceeds derived from the levy of Payroll Expense Tax imposed by Ordinance No. 275-70, are legally available to meet appropriations made by the Board of Supervisors)), at which time the tax shall be $24.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000; provided, however, that commencing January 1, 1977, the tax shall be $22.00 per year or fractional part thereof for the first $10,000 or less of gross receipts, plus $2.20 per year

for each additional $1,000 of gross receipts, or fractional part thereof in excess of $10,000; provided, however, that during the period commencing April 1, 1980 and ending June 30,1980 the tax shall be $30.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000; provided, however, that commencing July 1, 1980, the tax shall be $30.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period, in excess of the first $10,000 ((.)); provided further that commencing ~~January~~ July 1, 1988 the tax shall be $32.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.20 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000.

(b) For the purpose of this section "tangible personal property" shall mean personal property which may be seen, weighed, measured, felt or touched, or which is in any other manner perceptible to the senses.

(c) Nothing in this section of this ordinance shall be construed to require the inclusion of the amount received for the leasing or renting of tangible property, or for the leasing or renting of mobile transportation equipment for use in for-hire transportation of property such as railroad locomotives, trucks, truck tractors, freight cars, truck trailers, dollies, bogies, chassis, and cargo shipping containers, the entire use of which is made wholly outside the State of California.

(d) During the period commencing January 1, 1984 and ending December 31, 1984, the tax imposed by Subsection (a) above shall be

$30.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $2.80 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 and the balance of the tax rate specified in Subsection (a) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

SEC. 1004.07. OTHER BUSINESSES.

(a) For every person engaged in any business, trade, calling, occupation, vocation, profession or other means of livelihood, and not as an employee of another, and not specifically taxed by other provisions of this ordinance, the tax shall be $48.00 per year or fractional part thereof for the first $12,000 or less of gross receipts plus $4.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the month in which the Controller reports to the Board of Supervisors that, in his opinion, the proceeds derived from the levy of the Payroll Expense Tax imposed by Ordinance No. 275-70, are legally available to meet the appropriations made by the Board of Supervisors)), at which time the tax shall be $24.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional

part thereof in excess of $12,000; provided, however, that commencing January 1, 1977, the tax shall be $22.00 per year or fractional part thereof for the first $10,000 or less of gross receipts, plus $2.20 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $10,000; provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $30.00 for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000; provided however that commencing July 1, 1980 the tax shall be $30.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 ((.)); provided further that commencing July 1, 1988 the tax shall be $32.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.20 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000.

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(b) A person engaged in more than one trade, calling, occupation, vocation, profession or other means of livelihood embraced within this section shall consolidate all gross receipts and shall be issued one registration certificate covering all such activities. Any person engaged in any activities embraced within this section, in addition to activities covered by any other section of this ordinance, shall obtain separate registration certificates for the activities covered by such other sections.

(c) A person engaged in the business of developing and selling real property, as defined in Section 1002.15, shall be allowed a tax credit equal to the amount of payroll expense tax actually and

directly paid in the prior year(s) by said person to the Tax Collector pursuant to the provisions of Article 12A of this code on the payroll expense paid to employees, as defined in Section 902.4 of this code, who participated in the construction of the subdivision.

For the purpose of calculating the amount of tax credit, each subdivision shall be treated separately and the calculations shall be made on appropriate forms provided by the Tax Collector.

The amount of the tax credit allowed shall be limited to the amount of tax liability attributable to the taxable gross receipts generated from selling units in the subdivision during the period commencing January 1, 1984. However, if the tax credit calculated is not absorbed entirely in one year, the remaining balance may be carried over to the subsequent year(s).

(d) During the period commencing January 1, 1984 and ending December 31, 1984, the tax imposed by subsection (a) above shall be $30.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $2.80 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 and the balance of the tax rate specified in subsection (a) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

SEC. 1004.08. RETAIL SALES.

(a) For every person manufacturing and selling any goods, wares or merchandise at retail, or selling any goods, wares or merchandise at retail, and not otherwise specifically taxed by other provisions of this ordinance, the tax shall be $30.00 per year or fractional part thereof for the first $15,000 or less of gross receipts plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $15,000; provided that blind persons need not include the first $15,000 of gross receipts in the computation of the amount of tax due hereunder nor be required to pay the minimum tax. This exemption shall not subject such blind persons to the provisions of Section 1004.07 of this ordinance. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the month in which the Controller reports to the Board of Supervisors that, in his opinion, the proceeds derived from the levy of the Payroll Expense Tax imposed by Ordinance 275-70 are legally available to meet appropriations made by the Board of Supervisors)), at which time the tax shall be $15.00 per year or fractional part thereof for the first $15,000 or less of the gross receipts, plus $1.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $15,000; provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $15.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $1.50 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000; provided, however that commencing July 1, 1980, the tax shall be $15.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus

$1.50 for each additional $1,000, or fractional part thereof, of gross receipts during the period, in excess of the first $10,000 ((.)); provided further that commencing ~~January~~ July 1, 1988 the tax shall be $16.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $1.60 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000.

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(b) For the purpose of this section, a "retail sale" or "sale at retail" means a sale of goods, wares or merchandise for any purpose other than resale in the regular course of business.

(c) Whenever a person engages at the same location in two or more businesses of the kind taxed in this section, a joint registration certificate shall be issued for all such businesses and the tax shall be measured by the sum of the gross receipts of all such businesses so conducted.

(d) A "blind person", within the meaning of this section shall mean a person having not more than ten percent visual acuity in the better eye, with correction. Such blindness shall be certified by a licensed physician and surgeon who specializes in diseases of the eye, or by the Bureau of Vocational Rehabilitation of the Department of Education of the State of California, and the exemption provided by this section shall not apply until a certificate as to such blindness shall be furnished to the Tax Collector.

(e) As used in this section, the term "manufacturing and selling" shall be deemed to include the activities of "handling and selling", "storage, handling and selling", "assembling and selling", and "processing and selling".

(f) Nothing in this section contained shall be construed to require the inclusion in the computation of the amount of the tax due thereunder the gross receipts of the sales of goods which are

shipped to the purchasers of such goods by the seller to points outside the State of California.

(g) During the period commencing January 1, 1984 and ending December 31, 1984, the tax imposed by Subsection (a) above shall be $15.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $1.40 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 and the balance of the tax rate specified in Subsection (a) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

SEC. 1004.09. STORAGE. FREIGHT FORWARDING.

(a) "Freight forwarding" shall mean the business of collecting or consolidating for shipment in carload lots or less, or truckload lots or less, any goods, wares or merchandise as agent or bailee for any person where a fee is charged for such service.

(b) For every person engaged in the business of freight forwarding or maintaining any storage or warehouse for the storage of goods, wares or merchandise of any kind, the tax shall be $48.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $4.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the

month which the Controller reports to the Board of Supervisors that, in his opinion, the proceeds derived from the levy of the Payroll Expense Tax imposed by Ordinance No. 275-70, are legally available to meet appropriations made by the Board of Supervisors)), at which time the tax shall be $24.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000; provided, however, that commencing January 1, 1977, the tax shall be $22.00 per year or fractional part thereof for the first $10,000 or less of gross receipts, plus $2.20 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $10,000; provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $30.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000; provided, however, that commencing July 1, 1980, the tax shall be $30.000 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period, in excess of the first $10,000 ((.)); provided further that commencing

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(c) During the period commencing January 1, 1984 and ending December 31, 1984, the tax imposed by Subsection (b) above shall be $30.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $2.80 for each additional

$1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 and the balance of the tax rate specified in Subsection (b) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

SEC. 1004.10. TELEPHONE, GAS, ELECTRIC AND STEAM SERVICE.

(a) For every person engaged as a public utility in the business of furnishing railroad, telephone, gas, electric or steam services, the tax shall be $32.00 per year or fractional part thereof for the first $20,000 or less of gross receipts, plus $1.60 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $20,000. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the month in which the Controller reports to the Board of Supervisors, that, in his opinion, the proceeds derived from the levy of the Payroll Expense Tax imposed by Ordinance No. 275-70, are legally available to meet the appropriations made by the Board of Supervisors)), at which time the tax shall be $16.00 per year or fractional part thereof for the first $20,000 or less of gross receipts plus $.80 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $20,000; provided, however, that commencing January 1, 1977, the tax shall be $18.00 per year or fractional part thereof for the first $20,000 or less of gross receipts, plus $.90 per year

for each additional $1,000 of gross receipts, or fractional part thereof in excess of $20,000; provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $24.00 per year or fractional part thereof for the first $20,000 or less of gross receipts, in a year, plus $1.23 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $20,000; provided, however, that commencing July 1, 1980 the tax shall be $24.00 per year or fractional part thereof for the first $20,000 or less of gross receipts in the year, plus $1.23 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $20,000 ((.)); provided further that commencing

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(b) For the purposes of this section, "gross receipts" shall have the same meaning as in Section 1002.6, except that only those receipts derived from providing services within the City and County shall be included, and further excepting that, with respect to telephone services, only receipts resulting from intrastate telephone service shall be included.

(c) During the period commencing January 1, 1984 and ending December 31, 1984, the tax rate imposed by subsection (a) above shall be $24.00 per year or fractional part thereof, for the first $20,000 or less of gross receipts in the year, plus $1.15 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $20,000 and the balance of the tax rate specified in subsection (a) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the

voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

SEC. 1004.11. TRANSPORTING PERSONS FOR HIRE.

(a) Definitions

1. Operator. The term "operator" includes:

(i) Any person engaging in the transportation of persons or property for hire or compensation by or upon a motor vehicle upon any public highway in this State, either directly or indirectly.

(ii) Any person who for compensation furnishes any motor vehicle for the transportation of persons or property under a lease or rental agreement when such person operates the motor vehicle furnished or exercises any control of, or assumes any responsibility for the operation of the vehicle irrespective of whether the vehicle is driven by such person or the person to whom the vehicle is furnished, or engages either in whole or in part in, the transportation of persons or property in the motor vehicle furnished.

2. Not An Operator. The term "operator" does not include any of the following:

(i) Any person transporting his own property in a motor vehicle owned or operated by him unless he makes a specific charge for the transportation. This subdivision does not in any way limit any other exemption granted by this section.

(ii) Any farmer, resident of this state, who occasionally transports property for other farmers, or who transports his own farm products, or who transports laborers to and from farm work

incidentally in his farming operations.

(iii) Any nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 4 of Division 6 of the Agricultural Code of the State of California to the extent only that it is engaged in the transporting of its own property or the property of its members.

(iv) Any person whose sole transportation of persons or property for hire or compensation consists of the transportation of children to or from any public or nonprofit private school and whose total compensation from all sources for providing such transportation does not exceed one hundred dollars ($100) in any calendar month.

(v) Any person engaged in the business of operating a hearse or other vehicle in a procession to a burial ground or place of interment and from the burial ground or place of interment to a garage or place of storage.

(vi) Any registered owner of a pleasure vehicle who, while operating the vehicle, transports persons to his work or to a place through which he passes on the way to his work, whether for or without compensation, if he is not in the business of furnishing such transportation.

(vii) Any person engaged in the business of collecting and disposing of garbage, rubbish or waste, and who transports any such matter in a motor vehicle owned or operated by him, unless he makes a separate or specific charge for transportation. It is hereby declared that any such business is one substantially affecting the public health and welfare.

3. Transportation for Hire. The term "transportation for hire" shall be deemed to include transportation for gain or profit, direct or indirect.

4 Motor Vehicle. The term "motor vehicle" includes any automobile, truck, tractor, or other self-propelled vehicle used for the transportation of persons or property upon the public highways, otherwise than upon fixed rails or tracks, and any trailer, semitrailer, dolly, or other vehicle drawn thereby.

(b) Tax Imposed.

1. Every person whose business in whole or in part is that of operator, as defined herein, of any motor vehicle for the transportation of persons for hire, and who in the course of that business uses the public streets and highways in this City and County for the purpose of such business, shall pay a business tax measured by gross receipts derived from the transportation of passengers as provided in this section. This tax is imposed for the privilege of using the public streets and highways in the City and County of San Francisco for the purpose of such business, employing or loaning capital on property, or maintaining an office in the City and County of San Francisco. No person shall engage in such business or perform any act required to be taxed under this section during any tax period without first obtaining a registration certificate.

2. The business taxed under the provisions of this section shall be the transportation of persons by an operator:

(i) Wholly within the City and County;

(ii) From a place or places outside the City and County (including a place or places outside the State of California) to a place or places within the City and County;

(iii) From a place or places within the City and County to a place or places outside the City and County (including a place or places outside the State of California);

(iv) From a place or places within the City and County to a

place or places also within the City and County even though such transportation involves going outside the City and County (including a place or places outside the State of California) in the course thereof.

(c) Measure of Tax.

1. For every person whose business in whole or in part is that of operator, as defined herein, of any motor vehicle for the transportation of persons for hire, and who in the course of that business uses the public streets and highways in this City and County for the purpose of such business, the tax shall be $48.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $4.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the month in which the Controller reports to the Board of Supervisors that, in his opinion, the proceeds derived from the levy of the Payroll Expense Tax imposed by Ordinance No. 275-70, are legally available to meet appropriations made by the Board of Supervisors)), at which time the tax shall be $24.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000; provided, however, that commencing January 1, 1977, the tax shall be $22.00 per year or fractional part thereof for the first $10,000 or less of gross receipts, plus $2.20 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $10,000; provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $30.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year,

plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000; provided, however, that commencing July 1, 1980, the tax shall be $30.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period, in excess of the first $10,000 ((.)); provided further that commencing ~~January~~ July 1, 1988 the tax shall be $32.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.20 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000.

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2. During the period commencing January 1, 1984 and ending December 31, 1984, the tax imposed by Subsection (c) above shall be $30.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $2.80 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 and the balance of the tax rate specified in Paragraph 1 of Subsection (c) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

(d) Apportionment: Interstate Commerce.

Whenever an operator engages in the transportation of passengers partly within and partly without the City and County of

San Francisco, the tax imposed by this section shall apply exclusively to the portion of the gross receipts attributable to operations within the City and County of San Francisco. For purpose of this section, gross receipts attributable to operations within the City and County of San Francisco shall mean that percentage of an operator's total gross receipts, including gross receipts from the transportation of persons to and from a place or places outside the State of California, which is equal to that percentage which the mileage operated within the City and County of San Francisco bears to the entire mileage over which the operations extend.

(e) Exemption for Certain School Buses.

No tax hereunder shall be required for the operation of any motor vehicle for any day or fraction thereof when such vehicle is operated exclusively on any day to transport students or members of bona fide youth organizations, and their supervising adults to and from public or private schools, school events or other youth activities, without regard to the manner or source of compensation to the operator. This exemption shall not subject such operation to the provisions of Section 1004.07 of this ordinance.

SEC. 1004.12. TRUCKING - HAULING.

(a) Definitions.

1. Operator. The term "operator" is used in this section as defined in the Motor Vehicle Transportation License Tax Act of California, with reference only, however, to persons engaging in the transportation of property for hire or compensation.

2. Motor Vehicle. The term "motor vehicle" is used in this section as defined in the Motor Vehicle Transportation License Tax Act of California.

3. Tractor. The term "tractor" as used herein shall mean "truck tractor" as defined in the Vehicle Code of California.

(b) Tax Imposed. Every person whose business in whole or in part is that of operator, as defined herein, of any motor vehicle for the transportation of property for hire or compensation, and who in the course of that business uses the public streets and highways in this City and County for the purpose of such business, shall pay a business tax as provided in this section.

(c) Measure of Tax; Reporting Period. The tax required to be paid by this section shall be reported and paid annually. Every person engaged in the business subject to tax under this section shall pay a minimum tax of $12.50 per year. The tax required to be paid under this section shall be measured as follows:

1. For each motor vehicle, other than a tractor, trailer, semitrailer, or dolly, used to receive or discharge, pick up or deliver property within this City and County, the tax shall be as follows:

Where the unladen weight thereof is 4000 pounds or less, the tax shall be $.04 for each day or fraction thereof of its operation as specified in subsection (b); provided however, that commencing January 1, 1977, the tax shall be $.05 for each day or fraction thereof of its operation as specified in subsection (b); provided however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $.07 for each day or fraction thereof of its operation as specified in subsection (b); provided however, that commencing July 1, 1980, the tax shall be $.07 for each day or fraction thereof of its operation as specified in subsection (b); provided further, that commencing ~~January~~ July 1, 1988, the tax shall be $.075 for each day or fraction thereof of its operation as specified in Subsection (b).

Where the unladen weight thereof is over 4000 pounds, and not more than 8,000 pounds, the tax shall be $.10 for each day or

fraction thereof of its operation as specified in subsection (b); provided, however, that commencing January 1, 1977, the tax shall be $.11 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $.15 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that commencing July 1, 1980, the tax shall be $.15 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that during the period commencing January 1, 1984 and ending December 31, 1984 the tax rate shall be $.14.00 each day or fraction thereof of its operation as specified in subsection (b) and the balance of the tax rate that went into effect July 1, 1980 is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election.)); provided however that commencing ~~January~~ July 1, 1988 the tax shall be $.16 for each day or fraction thereof of its operation as specified in Subsection (b).

Where the unladen weight thereof is over 8,000 pounds, the tax shall be $.11 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that commencing January 1, 1977, the tax shall be $.12 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $.16 for each day or fraction thereof

of its operation as specified in subsection (b); provided, however, that commencing July 1, 1980, the tax shall be $.16 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that during the period commencing January 1, 1984 and ending December 31, 1984 the tax rate shall be $.15 each day or fraction thereof of its operation as specified in subsection (b) and the balance of the tax rate that went into effect July 1, 1980 is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election.)); provided however, that commencing ~~January~~ July 1, 1988 the tax shall be $.17 for each day or fraction thereof of its operation as specified in Subsection (b).

2. For each tractor which is so used to haul one or more trailers or semitrailers, the tax shall be $.11 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that commencing January 1, 1977, the tax shall be $.12 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that during the period commencing April 1, 1980 and ending June 30, 1980 the tax shall be $.16 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that commencing July 1, 1980, the tax shall be $.16 for each day or fraction thereof of its operation as specified in subsection (b); provided, however, that during the period commencing January 1, 1984 and ending December 31,

1984 the tax rate shall be $.15 each day or fraction thereof of its operation as specified in subsection (b) and the balance of the tax rate that went into effect July 1, 1980 is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election.)); provided however, that commencing ~~January~~ July 1, 1988, the tax shall be ~~$.16~~ $.17 for each day or fraction thereof of its operation as specified in Subsection (b).

(d) Method of Reporting

1. No person shall engage in such business or perform any act required to be taxed under this section during any tax period without first obtaining a registration certificate.

2. At the close of each tax period such person shall file a statement with the Tax Collector showing the tax due and setting forth a summary of the vehicles of each graduation specified in subsection (c) above used during such preceding tax period and the number of days or fractions thereof of such use, and shall pay on or before the last day of February in the next subsequent tax period any (additional) tax that may be due hereunder for such preceding tax period.

3. In making such statement, the person may at his option elect to compute such summary and pay such tax on a "test week" basis, by separately computing the tax which would be due for each of the four test weeks specified in subsection (d)4 hereof, dividing the total of the tax due for the four test weeks by four to

ascertain the average weekly tax, and multiplying the said average weekly tax by the number of weeks of the tax period during which he conducted operations subject to tax under this section. If the person elects to compute the tax imposed hereunder on a test week basis such election shall be irrevocable and conclusive as to the tax period for which such election is made. Any person electing to compute such tax on a test week basis shall retain the records used for such computation for a period of two years from the date of filing such report. Upon the failure of any person electing to compute such tax on a test week basis to retain such records, the Tax Collector may determine the amount of any additional tax estimated to be due from such person in the manner provided by Section 1010.

4. The test weeks which may be used by a person in computing the tax imposed under this section are the second full week in January, the second full week in April, the second full week in July and the second full week in October. If a person does not conduct operations subject to tax under this section in any one or more of such test weeks, then he may use the next succeeding week following such test week in which he does conduct such operations in the place of such test weeks; provided, however, that if a person does not conduct operations subject to tax under this section during each of the four test weeks which may, under this subsection, be used in computing the tax, such person may not elect to compute his tax on a test week basis without prior written application to and prior written approval of the Tax Collector as to what alternate test period or periods may be used.

5. In the event the business is discontinued, dissolved or otherwise terminated before the close of such tax period, the statement required by subsection (d)2 hereof shall thereupon be

filed and any additional tax due hereunder shall be paid within 45 days following date of such discontinuance, dissolution or termination.

(e) Exemption for Vehicles Operated Exclusively in Interstate Commerce. No tax hereunder shall be required for the operation of any motor vehicle for any day or fraction thereof when such vehicle is operated exclusively between points within this City and County and points without this State.

(f) Exemptions and Exceptions. No tax hereunder shall be required for the operation of any motor vehicle or equipment along the streets of this City and County if such operation is merely occasional and incidental to a business conducted elsewhere; provided that no operation shall be deemed merely occasional if trips or hauls are made beginning or ending at points within this City and County upon an average more than once a week in any quarter, and a business shall be deemed to be conducted within this City and County if an office or agency is maintained here or if transportation business is solicited here.

SEC. 1004.13. WHOLESALE SALES.

(a) 1. For every person manufacturing and selling any goods, wares or merchandise at wholesale, or selling any goods, wares or merchandise at wholesale not otherwise specifically taxed by other provisions of this ordinance, the tax shall be $32.00 per year or fractional part thereof for the first $20,000 or less of gross receipts, plus $1.60 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $20,000; provided that blind persons need not include the first $20,000 of gross receipts in the computation of the amount of tax due hereunder nor be required to pay the minimum tax. This exemption shall not subject such blind person to the provisions of Section 4.07 of this

ordinance. The rate of the tax set forth hereinabove shall remain in effect until July 1, 1971 ((the first day of the month immediately following the month in which the Controller reports to the Board of Supervisors that, in his opinion, the proceeds derived from the levy of the Payroll Expense Tax imposed by Ordinance No. 275-70, are legally available to meet appropriations made by the Board of Supervisors)), at which time the tax shall be $16.00 per year or fractional part thereof for the first $20,000 or less of gross receipts, plus $0.80 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $20,000; provided, however, that commencing January 1, 1977, the tax shall be $18.00 per year or fractional part thereof for the first $20,000 or less of gross receipts, plus $0.90 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $20,000; provided, however, that during the period commencing April 1, 1980, and ending June 30, 1980, the tax shall be $24.00 per year or fractional part thereof for the first $20,000 or less of gross receipts in the year, plus $1.23 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of $20,000; provided however, that commencing July 1, 1980, the tax shall be $24.00 per year or fractional part thereof for the first $20,000 or less of gross receipts in the year, plus $1.23 for each additional $1,000, or fractional part thereof, of gross receipts during the period, in excess of the first $20,000((.)); provided further that commencing ~~January~~ July 1, 1988 the tax shall be $26.20 per year or fractional part thereof for the first $20,000 or less of gross receipts in the year, plus $1.31 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $20,000.

2. During the period commencing January 1, 1984 and ending

December 31, 1984, the tax ((rate)) imposed in paragraph 1 of subsection (a) above shall be $24.00 per year or fractional part thereof, for the first $20,000 or less of gross receipts in the year, plus $1.15 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $20,000 and the balance of the tax rate specified in paragraph 1 of subsection (a) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)).

(b) For the purpose of this section, a "wholesale sale" or "sale at wholesale" means a sale of goods, wares or merchandise for the purpose of resale in the regular course of business.

(c) Whenever a person engages in the same location in two or more businesses of the kind taxed in this section, a joint registration certificate shall be issued for all such businesses and the tax shall be measured by the sum of the gross receipts of all such businesses so conducted.

(d) A "blind person", within the meaning of this section, shall mean a person having not more than ten percent visual acuity in the better eye, with correction. Such blindness shall be certified by a licensed physician and surgeon who specializes in diseases of the eye, or by the Bureau of Vocational Rehabilitation of the Department of Education of the State of California, and the exemption provided by this section shall not apply until a

certificate as to such blindness shall be furnished to the Tax Collector.

(e) As used in this section, the term "manufacturing and selling" shall be deemed to include the activities of "handling and selling," "storage, handling and selling," "assembling and selling," and "processing and selling."

(f) Nothing in this section contained shall be construed to require the inclusion in the computation of the amount of the tax due thereunder gross receipts of the sales of goods which are shipped to the purchasers of such goods by the seller to points outside the State of California.

SEC. 1004.14. REPORT OF CONTROLLER. Pursuant to the provisions of Sections 1004.01 through 1004.04 inclusive, and 1004.06 through 1004.11, inclusive, and 1004.13, of this ordinance, the Controller, under date of June 10, 1971, reported to the Board of Supervisors that, in his opinion, the proceeds from the levy of the Payroll Expense Tax imposed by Ordinance No. 275-70 are legally available to meet appropriations made by the Board of Supervisors.

SEC. 1004.15. ARCHITECTS, ENGINEERS.

(a) For every person engaged in business as an architect or engineer, the tax shall be as follows: (i) with respect to gross receipts from contracts on which the architect or engineer submitted a proposal prior to August 17, 1968, there shall be no tax whatsoever; (ii) with respect to gross receipts from contracts on which the architect or engineer submitted a proposal between the dates of August 17, 1968, and August 17, 1970, the tax shall be $24.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000; (iii) with respect to gross receipts from contracts on

which the architect or engineer submitted a proposal between the dates of August 18, 1970, and June 30, 1971, the tax shall be $48.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $4.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000; (iv) with respect to gross receipts from contracts on which the architect or engineer submitted a proposal between July 1, 1971, and September 30, 1975, the tax shall be $24.00 per year or fractional part thereof for the first $12,000 or less of gross receipts, plus $2.00 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $12,000; (v) with respect to gross receipts from contracts on which the architect or engineer submitted a proposal on or after October 1, 1975, the tax shall be $22.00 per year or fractional part thereof for the first $10,000 or less of gross receipts, plus $2.20 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $10,000; however, (vi) with respect to gross receipts from contracts on which the architect or engineer submitted a proposal during the period commencing April 1, 1980 and ending June 30, 1980, the tax shall be $30.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000; (vii) with respect to gross receipts from contracts on which the architect or engineer submitted a proposal on or after July 1, 1980, the tax shall be $30.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.00 for each additional $1,000, or fractional part thereof, of gross receipts during the period, in excess of the first $10,000; (viii) with respect to gross receipts from contracts on which the architect or engineer submitted

a proposal during the period commencing January 1, 1984 and ending December 31, 1984, the tax shall be $30.00 per year or fractional part thereof, for the first $10,000 or less of gross receipts in the year, plus $2.80 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of the first $10,000 and the balance of the tax rate specified in Subsection (vii) is suspended ((subject to the following condition: that, at the November 6, 1984 election, the voters of the State of California reject Proposition 36 (Howard Jarvis' Taxation Initiative Constitutional Amendment) amending Article XIIIA, enacted as Proposition 13 in 1978, and relating to local taxation and fees. In the event that initiative is adopted, the aforesaid tax-rate suspension shall expire by operation of law at midnight on the date on which the Secretary of State certifies the official results of the election)); (ix) with respect to gross receipts from contracts on which the architect or engineer submitted a proposal on or after April 1, 1988, the tax shall be $32.00 per year or fractional part thereof for the first $10,000 or less of gross receipts in the year, plus $3.20 for each additional $1,000, or fractional part thereof, of gross receipts during the period in excess of $10,000.

(b) The term "engaged in business as an architect" as used herein shall mean engaged in an activity for which a license is required under Chapter 3, Division III of the Business and Professional Code of the State of California. The term "engaged in business as an engineer" as used herein shall mean engaged in an activity for which a license is required under Chapter 7, Division III of the Business and Professions Code of the State of California.

(c) The meaning of the term "gross receipts" as used herein shall be that set forth in Section 1002.6; provided that such term shall include the total contract price for the work performed by

such architect or engineer, without deduction for consulting fees and irrespective of whether the contract is one on a stipulated sum or on a cost-plus fee basis or one under the terms of which the architect or engineer acts as agent for the owner.

(d) Whenever an architect or engineer performs work or renders services in part within the City and County of San Francisco and in part without the City and County of San Francisco, no apportionment shall be made except that the tax shall be levied only on that percentage of gross receipts equal to the percentage which working time expended within the City and County of San Francisco bears to his total working time both within and without the City and County of San Francisco.

SEC. 1004.16. NONPROFIT GARAGE CORPORATIONS.

For every person engaged in business as a nonprofit garage corporation, the tax shall be $250 per year or fractional part thereof for the first $1,000 or less of gross receipts, plus $250 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $1,000((.)); provided however, that commencing ~~January~~ July 1, 1988 the tax shall be $267 per year or fractional part thereof for the first $1,000 or less of gross receipts in the year, plus $267 per year for each additional $1,000 of gross receipts, or fractional part thereof, in excess of the $1,000.

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As used herein, The term "nonprofit garage corporation" shall mean any nonprofit corporation formed for the express purpose of aiding and assisting the City and County of San Francisco in constructing a public off-street parking facility, which such nonprofit corporation has issued revenue bonds, the interest on which is exempt from federal income tax and which bonds or a portion thereof is outstanding. Notwithstanding any other provision herein,

a nonprofit garage corporation which receives revenues by reason of its interest in a public off-street parking facility shall be deemed to be engaged in business for purposes of this ordinance.

Nothing contained herein shall reduce or repeal the San Francisco Parking Tax (Ordinance No. 286-70) imposed on occupants of parking stations; nor shall anything contained herein reduce or repeal any San Francisco tax as applied to any person who is not a "nonprofit garage corporation," even if said person is an operator, manager or leasee of a public off-street parking facility.

SEC. 1005. CONSTITUTIONAL EXEMPTIONS. Nothing in this ordinance shall be construed as requiring the payment of any tax for engaging in a business or the doing of an act when such payment would constitute an unlawful burden upon or an unlawful interference with interstate or foreign commerce, or which payment would be in violation of the Constitution of the United States or of the Constitution of the State of California.

SEC. 1005.3 SMALL BUSINESS EXEMPTION. Notwithstanding any other provisions of this Business Tax Ordinance, except the provisions of Section 1009, "small business enterprises," as hereinafter defined, shall be exempt from taxation under this ordinance; provided, however, that small business enterprises shall pay the annual registration fee pursuant to Section 1007.

The term "small business enterprise" shall mean and include any taxpayer whose tax liability hereunder, but for this exemption provision, would not exceed $2,500.

When the annual revenues received by the city and county from the annual registration fee exceed $8.5 million, two hundred thousand dollars shall be reserved for the Mayor to consider expending for the benefit of the small business community in the city and county.

SEC. 1006. APPORTIONMENT; BUSINESS WITHIN AND WITHOUT CITY AND COUNTY. When the gross receipts of any person engaged in business subject to tax under the provisions of this ordinance are derived from or attributable to business activities engaged in within and without the City and County, said gross receipts shall be allocated in such a manner as is fairly calculated to determine the amount of gross receipts derived from or attributable to engaging in business in the City and County. Gross receipts from services shall be allocated on the basis of payroll, value and situs of tangible property, general expense, or by reference to any of these or other factors, or by such other method of allocation as will fairly determine the amount of gross receipts derived from or attributable to engaging in business in the City and County. Gross receipts derived from isolated or occasional transactions at places outside the City and County but within the State of California, where the registrant is not regularly engaged in a course of business transactions shall be deemed to be gross receipts derived from engaging in business in the City and County.

Allocation formulae designed to carry into effect the purpose of this Section shall be adopted by the Tax Collector by rules and regulations. Such rules and regulations shall be approved by the City Attorney prior to becoming effective. The Tax Collector is hereby authorized, in the application to individual cases of such rules and regulations and the formulae contained, to make such modifications in the formulae as may be necessary to carry out the intent of this Section.

If the Tax Collector reallocates gross receipts upon ((his)) examination of any return, the Tax Collector ((he)) shall, upon the written request of the registrant, disclose to the registrant ((him)) (within 10 days of such request) the basis upon which the

reallocation has been made. The time for the doing of any act required by this ordinance or the commencement of any liability hereunder shall not begin to run until such disclosure is made.

SEC. 1007. REGISTRATION CERTIFICATE. Every person engaging or about to engage in any business upon which a tax is imposed by the provisions of this ordinance shall immediately register with the Tax Collector on a form provided ((by him)) therefor. Persons engaged in such business must so register not later than 15 days after the date such tax becomes effective and is imposed as set forth in Section 1003(a) hereof, but such privilege or registration after the date of imposition of such tax shall not relieve any person from the obligation of payment of tax on and after the date of imposition thereof, regardless of registration. Such registration shall set forth the name under which such person transacts or intends to transact business, the location of ((his)) the registrant's place or places of business and such other information to facilitate the collection of the tax as the Tax Collector may require. The registration shall be signed by the owner if a natural person; in case of an association or partnership, by a member or partner; in case of a corporation, by a person authorized by the corporation to sign the registration.

The Tax Collector shall within five days of such registration issue without charge a certificate of authority to each registrant together with a duplicate thereof for each additional place of business of such registrant. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the Tax Collector upon the cessation of business at the location named or upon its sale or transfer.

SEC. 1008. BUSINESS TAX REGISTRATION CERTIFICATES; SUSPENSION AND REVOCATION. (a) Whenever any person fails to comply with any provision of this ordinance pertaining to business taxes or any rule or regulation adopted pursuant thereto, the Tax Collector, upon hearing, after giving such person 10 days' notice in writing specifying the time and place of hearing and requiring such person ((him)) to show cause why his or her registration certificate or registration certificates should not be revoked, may revoke or suspend any one or more of the registration certificates held by such person. The notice shall be served in the same manner prescribed for service of notice of a deficiency determination. The Tax Collector shall not issue a new registration certificate after the revocation of a registration certificate unless the Tax Collector ((he)) is satisfied that the registrant will thereafter comply with the business tax provisions of this ordinance and the rules and regulations adopted thereunder, and until the Tax Collector collects a fee of $5 in addition to any other taxes or fees that may be required under the provisions of this ordinance.

(b) Any person who engages in any business after the registration certificate issued therefor has been suspended or revoked, and before such suspended certificate has been reinstated or a new certificate issued, shall be guilty of a misdemeanor.

SEC. 1009. PAYMENTS, RETURNS, PREPAYMENTS AND EXTENSIONS.

(a) Due Date of Taxes. Unless otherwise specifically provided for in other provisions of this ordinance, the taxes imposed by this ordinance shall become due and payable to the Tax Collector annually on or before the last day of the month of February next succeeding each respective annual period.

(b) Return; Time for Filing; Persons Required to File; and Execution. Unless otherwise specifically provided for in other

provisions of this ordinance, each person subject to the tax imposed by this Article and any person who would be subject to tax imposed by this Article but for the provisions of Section 1005.3 (Small Business Exemption) shall, on or before the last day of February of each year and concurrently with the payment of the tax herein imposed, file a return for the preceding annual period with the Tax Collector, in such form as the Tax Collector may prescribe.

(c) Contents of Return. Returns shall show the amount of tax due for the related period and such other information as may be reasonably required by the Tax Collector for the purpose of ascertaining the amount of tax due.

(d) Prepayments. Notwithstanding the date otherwise provided for herein for the payment of the tax due hereunder, every person who, for any calendar year commencing with 1973, becomes liable for payment of a total business tax in an amount in excess of $1,000, shall be required to make tax payment for the following calendar year in two installments; provided however that, for any calendar year commencing with 1982, no person shall be required to make tax payment for the following calendar year in two installments unless said person becomes liable for payment of a total business tax ((Payroll Expense Tax)) in an amount which exceeds $2,500.

The first installment (hereinafter called "tax prepayment"), shall be a credit against the total business tax liability attributable to said following calendar year, and shall be in an amount equal to 1/2 of the estimated business tax liability for the then-current year. Said estimated business tax liability shall be computed by using gross receipts (for each business category) for the preceding tax year, and the rate of tax (for each business category) applicable to the current year. The second installment shall be in an amount equal to total business tax liability, less

the amount of any tax prepayment actually paid. Commencing with the calendar year 1974, such prepayment shall become due and payable every July 1st and shall become delinquent every August 1st. Any tax prepayment required hereunder which is not paid before the delinquency date shall bear a penalty of 10 percent of the amount of delinquent tax prepayment and shall also bear interest from the date of the delinquency on the amount of delinquent tax payment at the rate of one percent per month or fraction thereof, for each month of said delinquency. Said prepayment shall be accompanied by a tax prepayment form prepared by the Tax Collector, but failure of the Tax Collector to furnish the taxpayer with a tax prepayment form shall not relieve the taxpayer of the tax prepayment obligation set forth herein. If the taxpayer can establish by clear and cogent evidence that said prepayment will amount to more than the total tax liability for the calendar year in which the tax prepayment becomes due, the Tax Collector may, in writing, adjust the amount of the tax prepayment.

(e) Extension of Time for Filing a Return and Paying Tax. For good cause, the Tax Collector may extend for a period not to exceed 60 days, the time for making any return, payment of tax or prepayment. No further extension shall be granted except by the Board of Review. Any person to whom an extension is granted, whether by the Tax Collector under this Section or by the Board of Review under Section 1019, who makes a return and pays the tax or prepayment within the period of such extension, shall pay, in addition to the tax, interest on the amount thereof at the rate of one percent per month, or fraction thereof, from the date of delinquency to the date of return and payment notwithstanding the granting of an extension by the Tax Collector.

SEC. 1009.1. REQUEST FOR FINANCIAL INFORMATION. (a) The Tax

Collector may, at his or her discretion, send any person a written request for financial information necessary for the purpose of verifying such person's tax liability or tax-exempt status as claimed by the person on a return filed pursuant to Subsections (b) and (c) of Section 1009. The request shall be mailed to the person's last known address as indicated in the Tax Collector's records.

(b) Each person to whom a written request for financial information has been sent pursuant to subparagraph (a) of this Section shall complete and return the form, with the information requested, to the Tax Collector within 30 days of the date of the mailing of the written request. Said person shall provide such financial information that the Tax Collector, in writing, has indicated is necessary to verify said person's tax liability or tax-exempt status.

SEC. 1009.2 PENALTIES FOR FAILURE TO FILE RETURN OR RESPONSE TO REQUEST FOR FINANCIAL INFORMATION. Every person, including persons exempt from tax liability pursuant to Section 1005.3 (Small Business Exemption), who has failed to file a return with the Tax Collector as required by Section 1009(b) or has failed to respond to a written request for financial information shall be liable to the Tax Collector for a penalty in the amount of $100 for each tax year either a return or a response to a request for financial information has not been received by the Tax Collector within the prescribed time limit. Said penalty shall be in addition to any other liability that may be imposed under the provisions of this Article.

SEC. 1009.5. AMENDMENTS--INSTRUCTIONS FOR TAXPAYERS. The Tax Collector shall, within 15 days after the effective date of any amendments to the rates imposed hereunder or to the definitions of taxpayers herein, prepare instructions available for public

distribution advising the public regarding the tax rates and the dates of payment.

SEC. 1010. DEFICIENCY DETERMINATIONS. (a) Recomputation of Tax; Authority to Make; Basis of Recomputation. If the Tax Collector is not satisfied with the return or returns of the tax or the amount of tax required to be paid to the City and County by any person, the Tax Collector ((he)) may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns or upon the basis of any information within the Tax Collector's ((his)) possession or that may come into the Tax Collector's ((his)) possession. One or more deficiency determinations may be made of the amount due, for one or for more than one period.

(b) Interest on Deficiency. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the last day of February following the close of the period for which the amount or any portion thereof, should have been returned until the date of payment.

(c) Offsetting of Overpayments. In making a determination, the Tax Collector may offset overpayments for a period or periods together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments. The interest on underpayments and overpayments shall be computed in the manner set forth in Sections 1013 and 1017.

(d) Penalty; Negligence or Disregard of Rules and Regulations. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this Ordinance or authorized rules and regulations, a penalty of

10 percent of the amount of determination shall be added thereto.

(e) Penalty for Fraud or Intent to Evade. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this Ordinance or authorized rules and regulations, a penalty of 25 percent of the amount of the determination shall be added thereto.

(f) Notice of Tax Collector's Determination, Service of. The Tax Collector shall give to the taxpayer written notice of his determination. The notice may be served personally or mailed; if by mail, such service is complete upon mailing to the taxpayer at his or her last address as shown on the Tax Collector's records

(g) Time Within Which Notice of Delinquency Determination to be Mailed. Except in the case of fraud, intent to evade this Ordinance, or authorized rules and regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the last day of February following the period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expired later.

SEC. 1010.1. JEOPARDY ASSESSMENTS, DUTY OF TAX COLLECTOR TO MAKE, DUE DATE, PETITION FOR REDETERMINATION, TIME FOR FILING, AND DEPOSIT OF SECURITY. (a) If the Tax Collector believes that the collection of any tax or any amount of tax required to be collected and paid to the City and County, or any determination will be jeopardized by delay, the Tax Collector ((he)) shall thereupon make a determination of the tax or amount of tax required to be collected, noting that fact upon the determination. The Tax Collector shall give the person against whom the determination is made, written notice thereof in the manner prescribed in Section 1010. The amount so determined is immediately due and payable.

Evidence that any person otherwise liable to pay tax pursuant to this Article, intends to discontinue business operations or transfers all or a substantial portion of the business assets, or causes a notice of Bulk Transfer as defined in Section 6102 of the California Commercial Code to be published, shall be deemed prima facie evidence that the collection of tax is in jeopardy.

(b) If the amount specified in the jeopardy determination is not paid within 10 days after service of notice thereof upon the person against whom the determination is made, the assessment becomes final at the expiration of the 10 days, unless a petition for redetermination is filed within the 10-day period, and the delinquency penalty, and the interest provided in Section 1010 shall attach to the amount of tax or the amount of the tax required to be collected.

(c) Any person against whom a jeopardy determination is made, may petition for the redetermination thereof pursuant to Section 1012 of this Article. Said person shall, however, file the petition for redetermination with the Tax Collector within 10 days after the service upon said person ((him)) of notice of determination. The Tax Collector may require from any person against whom a jeopardy determination is made, a deposit of money in any amount not to exceed the amount of the determination that the Tax Collector ((he)) deems necessary to insure compliance with this Article. Said deposit may be applied to satisfy any delinquent taxes found to be due and payable by the petitioner pursuant to this Article.

SEC. 1011. DETERMINATION IF NO RETURN MADE. (a) Estimate of Gross Receipts or Other Measures of Tax; Computation of Tax Penalty. If any person fails to make a return, the Tax Collector shall make an estimate of the amount of the gross receipts or other measures of tax, of the person or persons subject to the tax. The

estimate shall be made for the period or periods in respect to which the person failed to make a return, and shall be based upon any information which is in the Tax Collector's possession or may come into the Tax Collector's ((his)) possession. Upon the basis of this estimate, the Tax Collector shall compute and determine the amount required to be paid to the City and County, adding to the sum thus arrived at, a penalty equal to 10 percent thereof. One or more determinations may be made for one or for more than one period.

(b) Manner of Computation; Offsets; and Interest. In making a determination, the Tax Collector may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments. The interest on underpayments and overpayments shall be computed in the manner set forth in Sections 1013 and 1017.

(c) Interest on Amount Due. The amount of the determinations, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the last day of February following the close of the period for which the amount or any portion thereof, should have been returned until the date of payment.

(d) Penalty for Fraud or Intent to Evade. If the failure of any person to file a return is due to fraud or an intent to evade this ordinance or rules and regulations, a penalty of 25 percent of the amount ((of the)) required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the 10 percent penalty provided in Subsection (a) hereof.

(e) Giving of Notice; Manner of Service. Promptly after making the ((his)) determination, the Tax Collector shall give to the person written notice of the estimate, determination, and

penalty. The notice may be served personally or by mail, in the manner prescribed for service of notice of deficiency determination as provided in Section 1010 herein.

SEC. 1012. REDETERMINATION. (a) Right to Petition for; Time to File Petition. Any person against whom a determination is made under this ordinance or any person directly interested may petition for a redetermination within 30 days after service upon the person of notice thereof. If a petition for redetermination is not filed within the 30-day period, the determination becomes final at the expiration of the period.

(b) Grant of Oral Hearing; Notice; Continuances. If a petition for redetermination is filed within the 30-day period, the Tax Collector shall reconsider the determination and, if the person has so requested in the ((his)) petition, shall grant the person an oral hearing and shall give him or her 10 days' notice of the time and place of the hearing. The Tax Collector may continue the hearing from time to time as may be necessary.

(c) Alteration of Determination; Limitation on Right to Increase Amount. The Tax Collector may decrease or increase the amount of the determination before it becomes final but the amount may be increased only if a claim for the increase is asserted by the Tax Collector at or before the hearing.

(d) Finality of Order on Petition. The order or decision of the Tax Collector upon a petition for redetermination becomes final 30 days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the Board of Review within 15 days after service of such notice in which case the order or decision of the Tax Collector shall be stayed pending a determination on such appeal by said Board of Review.

(e) Time for Payment of Amounts Found Due; Penalty for

Delinquency. All determinations made by the Tax Collector under Section 1011 of this ordinance are due and payable at the time they become final except in the case of an appeal to the Board of Review. If they are not paid when due and payable, a penalty of 10 percent of the amount of the determination, exclusive of interest and penalties, shall be added thereto.

(f) Manner of Serving Notices. Any notice relating to redetermination proceedings shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

SEC. 1013. PENALTIES AND INTEREST FOR FAILURE TO PAY TAX. Any person who fails to pay any tax to the City and County, lawfully due and owing according to the provisions of Sections 1010 and 1011 of this Article, in the time required shall pay a penalty of 10 percent of the tax or amount of the tax, in addition to the tax or amount of the tax, including penalties assessed according to Sections 1010 and 1011, plus interest on the amount of delinquent tax at the rate of one percent per month, or fraction thereof, from the date of delinquency until the date of payment.

SEC. 1014. ACTION FOR TAX; TIME FOR. All taxes imposed by this ordinance, together with all interest and penalties, shall be recoverable by the City and County as other debts of like amounts are recoverable. In prosecuting such actions, the Tax Collector shall be entitled to all of the provisional remedies provided in the California Code of Civil Procedure, including, but not limited to, prejudgment attachment. Any such action shall be commenced within three years from the date any assessment of any additional tax becomes final or within three years from the date the return is filed, whichever period expires the later; provided, however, that there shall be no limitation on the time in which such actions shall

be commenced in cases of fraud, intent to evade this Article, or failure to make a return. The Tax Collector may bring an action in the courts of this State, or any other state, or of the District of Columbia, or of the United States and its territories and possessions in the name of the City and County of San Francisco to collect the amount delinquent, together with penalties and interest.

SEC. 1015. DUTY OF SUCCESSORS OR ASSIGNEES OF OPERATOR TO WITHHOLD TAX FROM PURCHASE MONEY. To the extent permitted by Division 6 of the California Commercial Code and Sections 6106 and 6106.1 thereof, if any person liable for any amount under this ordinance sells out his or her business or quits the business, the person's ((his)) successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the Tax Collector showing that the Tax Collector ((he)) has been paid or a certificate stating that no amount is due.

SEC. 1016. LIABILITY FOR FAILURE TO WITHHOLD; CERTIFICATE OF NOTICE OF AMOUNT DUE; TIME TO ENFORCE SUCCESSOR'S LIABILITY. To the extent permitted by Division 6 of the California Commercial Code, if the purchaser of a business fails to withhold from the purchase price as required, such purchaser ((he)) becomes personally liable for the payment of the amount required to be withheld by the purchaser ((him)) to the extent of the purchase price, valued in money. Within 30 days after receiving a written request from the purchaser for a certificate, the Tax Collector shall either issue the certificate or mail notice to the purchaser at his or her address as it appears on the records of the Tax Collector, stating the amount that must be paid as a condition of issuing the certificate. Failure of the Tax Collector to mail the notice will release the purchaser from any further obligation to withhold

purchase price as above provided. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells out the ((his)) business or at the time that the determination against the operator becomes final, whichever event occurs the later.

SEC. 1017. REFUND OF TAX, PENALTY OR INTEREST PAID MORE THAN ONCE, OR ERRONEOUSLY OR ILLEGALLY COLLECTED. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the City and County under this ordinance, it may be refunded provided a verified claim in writing therefor stating the specific ground upon which the claim is founded, is filed with the Tax Collector within three years from the date of payment. The claim shall be audited in the manner provided for in the Charter and shall be made on forms provided by the Tax Collector. If the claim is approved by the Tax Collector and by the Controller, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable, from the person from whom it was collected or by whom paid, and the balance may be refunded to such person, such person's ((his)) administrators or executors. Any such amounts shall bear interest at the rate of 2/3 of one percent per month, or fraction thereof; or the average rate of interest computed over the preceding six-month period, lawfully obtainable by the San Francisco Treasurer on deposits of public funds at the time refund is made, whichever rate is lower, and shall be computed from the date of filing of the claim to the date of refund. However, any amount refunded as a result of final judicial determination of the invalidity of any portion of, or amendment to this Article, or the invalidity of any administrative interpretation thereof, shall bear interest at the rate of 2/3 of one percent per month, or fraction thereof; or the average rate of

interest computed over the preceding six-month period, lawfully obtainable by San Francisco Treasurer on deposits of public funds at the time refund is made, whichever rate is lower, and said interest shall be computed from the date of payment to the date of refund, regardless of whether originally paid under protest.

If the claim for refund is denied, the Tax Collector shall serve notice of such denial upon the taxpayer personally or by mail. The denial of such claim becomes final 30 days after service of notice thereof, unless a Petition for Refund is filed with the Board of Review prior to expiration of such 30-day period. Petitions for Refund, after having been filed with the Board of Review, shall be treated in the same manner as Petitions for Redetermination.

SEC. 1018. AUTHORITY OF TAX COLLECTOR GENERALLY. The Tax Collector shall enforce the provisions of this ordinance and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this ordinance. Nothing herein in this ordinance, however, shall authorize the Tax Collector to prescribe a particular accounting method or to require any person to alter his or her method of accounting. The Tax Collector may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

The Tax Collector shall transmit all monies collected pursuant to this ordinance to the Treasurer for deposit to the general fund.

SEC. 1019. BOARD OF REVIEW; APPEALS, RULES, PROCEDURE. A Board of Review, consisting of the Chief Administrative Officer, the Controller, and the Assessor is hereby created. The Board shall select from its members a chairperson((man)) who shall serve at its pleasure. Any member of the Board may deputize in writing filed with the Board any member of his or her office to serve in the

member's ((his)) place on such Board for such period or in such hearing as the member ((he)) may desire. A majority of the members of the Board shall constitute a quorum. The Board shall keep a record of its transactions. The Board shall be deemed to be in the office of the Chief Administrative Officer, shall meet and keep its files in the Chief Administrative Officer's ((his)) office and all filing with the Board relating to appeals or otherwise shall be made at such office. Neither the members of the Board nor the members of their offices deputized to service in their places at any time shall receive any compensation as such members or acting members for their services on the Board.

The Board shall have the power, and it shall be its duty:

(1) To hear and determine appeals of orders or decisions of the Tax Collector made upon petitions for redetermination of tax. The Board may affirm, modify or reverse such orders or decisions or dismiss the appeals therefrom, as may be just, and shall prescribe such forms, rules and regulations relating to appeals as it may deem necessary. In the review of the Tax Collector's decision or order, the Board may take such evidence and make such investigation as it may deem necessary. It shall give notice of its determination in the manner prescribed for service of notice of a deficiency determination and shall file a copy of each such determination with the Tax Collector with certification thereon of the date and service thereof. Such determination shall become final 10 days thereafter and shall thereupon become due and payable, subject to interest and penalties, and enforceable by the Tax Collector in like manner as an order or decision of the Tax Collector;

(2) To approve, modify, or disapprove all forms, rules and regulations prescribed by the Tax Collector in the administration and enforcement of this ordinance and such forms, rules, and

regulations shall be subject to, and become effective only on((,)) such approval; provided, however, any rules and regulations adopted by the Tax Collector under Section 1006 of this ordinance shall also be approved by the City Attorney, and further provided that any modification determined by the Board of Review shall be approved as to legal form by the City Attorney before becoming effective;

(3) To hear and determine in such manner as shall be just, any protest which may be made by any person who may be interested, to any form, rule or regulation approved or prescribed by the Board;

(4) To grant for good cause, applications for extensions of time in excess of 60 days, for making any return or payment of tax, and to prescribe rules therefor.

SEC. 1020. RECORDS REQUIRED FROM TAYPAYERS, ETC.; FORM. Every taxpayer in this City and County shall keep and preserve such records for a period of three years as may be necessary to determine the amount of tax he or she may be liable for.

SEC. 1021. EXAMINATION OF RECORDS; INVESTIGATIONS. The Tax Collector or any person authorized in writing by the Tax Collector may examine the records of any person liable for the tax at all reasonable times. Every such taxpayer or supposed taxpayer is hereby directed and required to make available within San Francisco the means, facilities and opportunity for the Tax Collector or the Tax Collector's duly authorized agent or employee to conduct such examination and investigations as are authorized herein. To facilitate such examinations the Tax Collector may order the production in San Francisco of all books, papers, and records which the Tax Collector believes may have relevance to the amount of taxable gross receipts under this Article and to order the attendance before the Tax Collector of all persons, whether as taxpayers, supposed taxpayers or witnesses, whom the Tax Collector

believes to have any knowledge thereof.

SEC. 1022. PAYMENTS, ETC; MADE BY MAIL. Whenever any payment, statement, report, request or other communication received by the Tax Collector or the Board of Review is received after the time prescribed by any Section of this ordinance for the receipt thereof, but is in an envelope bearing a postmark showing that it was mailed prior to the time prescribed in this ordinance for the receipt thereof, or whenever the Tax Collector or Board of Review is furnished substantial proof that the payment, statement, report, request or other communication was in fact deposited in the United States Mail prior to the time prescribed for the receipt thereof, the Tax Collector or the Board of Review shall regard such payment, statement, report, request or other communication as having been timely received.

SEC. 1023. DISCLOSURE OF BUSINESS OF TAXPAYERS, ETC.; LIMITATION ON RULE. It is a violation of this ordinance for the Tax Collector or any person having an administrative duty under this ordinance to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records or any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amount of any unpaid tax or amounts of tax required to be collected, interest and penalties.

Notwithstanding any other provision of any City ordinance, the

Tax Collector is authorized to enter into agreements with the California Franchise Tax Board, the State Board of Equalization, and/or the Internal Revenue Service providing for the exchange of information for official purposes of said agencies, and to implement any such agreement through the exchange of information.

Notwithstanding any provision of this or any other City ordinance, any information contained in a tax return to be filed under this ordinance by a person or entity which has entered into a property occupancy contract with the City and County of San Francisco or with a nonprofit garage corporation may be utilized by the City and County of San Francisco, through its authorized officers and employees, in order to assist in monitoring, auditing, or enforcing the performance of said person or entity under such property occupancy contract. For purposes of this Section (a) "property occupancy contract" shall include any lease, sublease or other contract for the occupancy of real property owned by the City and County of San Francisco, or owned by a nonprofit garage corporation, and (b) a "nonprofit garage corporation" shall mean any nonprofit corporation formed for the purpose of aiding and assisting the City and County of San Francisco in constructing or acquiring a public off-street parking facility, which such nonprofit corporation has issued revenue bonds, the interest on which is exempt from federal income tax.

It is a violation of this ordinance for the Tax Collector, or any other officer or employee of the City and County of San Francisco authorized to obtain tax records under this ordinance or any person having an administrative duty under this ordinance to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records or any person visited or examined in the discharge of official duty, or the amount

or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measures and amount of any unpaid tax or amounts of tax required to be collected, interest and penalties.

This ordinance shall be effective 30 days after approved by the Mayor; provided, however, that this ordinance shall be applicable to all tax records heretofore or hereafter filed.

SEC. 1024. SAVING CLAUSE. This ordinance shall not apply to any person as to whom it is beyond the power of the Board of Supervisors to impose the tax herein provided. If any Section, Subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof or any tax against any person specified herein is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Board of Supervisors hereby declares that it would have passed each Section, Subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more Sections, Subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

SEC. 1025. VIOLATIONS; A MISDEMEANOR. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and shall be punishable therefor by a fine of not more than $500 or by imprisonment in the County Jail for a period of not more than six months or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every

day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such person and shall be punishable accordingly.

Any person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Tax Collector, or who renders a false or fraudulent return, is guilty of a misdemeanor, and is punishable as aforesaid. Any person required to make, render, sign or verify any report who makes any false or fraudulent report, with intent to defeat or evade the determination of an amount due required by this ordinance to be made, is guilty of a misdemeanor and is punishable as aforesaid.

SEC. 1026. RELATION TO OTHER LICENSE ORDINANCES. Persons required to pay a tax for transacting and carrying on any business under this ordinance shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the City and County, and shall remain subject to the regulatory provisions of other ordinances.

SEC. 1026.1. RELATION TO PAYROLL EXPENSE TAX ORDINANCE. No person shall be liable for payment of any tax otherwise due hereunder if the amount of said tax is less than the person's ((his)) tax liability properly computed under the provisions of Ordinance No. 275.-70 (Payroll Tax Ordinance).

SEC. 1027. EFFECTIVE DATES. This ordinance shall become effective upon passage as provided in Section 2.304 (((former Section 16))) of the Charter except that the tax imposed by this ordinance shall become effective and be imposed on October 1, 1968,

and shall not apply prior to said date.

Section 2. Imposition Date. This ordinance shall become effective upon passage, as provided in Section 2.304 of the Charter; provided, however, that unless expressly provided herein to the contrary, the tax increases provided for herein shall become operative and shall be imposed as of ~~January~~ July 1, 1988.

7/13/88 BSP

Section 3. The tax increase imposed by this ordinance shall remain in effect only until July 1, 1989, and as of that date is repealed, unless the Board of Supervisors adopts an ordinance prior to July 1, 1989, continuing the tax increase.

APPROVED AS TO FORM

LOUISE H. RENNE
City Attorney

By _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§ Finally Passed
	§
July 25, 1988	§ August 1, 1988
	§
	§
Ayes: Supervisors Britt Hongisto	§ Ayes: Supervisors Britt Hongisto
Kennedy Silver Walker Ward	§ Molinari Silver Walker Ward
	§
Noes: Supervisors Gonzalez Hsieh	§ Noes: Supervisors Gonzalez Hsieh
Maher Molinari Nelder	§ Maher Nelder
	§
	§ Absent: Supervisors Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
127-88-10

19
Date Approved

Mayor

FILE NO. 97-88-39 ORDINANCE NO. 359-88

(Agriculture)

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 1.13.1 THEREOF INCREASING THE REGISTRATION FEE FOR AGRICULTURAL PEST CONTROL OPERATORS AND ADDING REGISTRATION FEES FOR STRUCTURAL PEST CONTROL OPERATORS AND AGRICULTURAL PEST CONTROL ADVISERS.

NOTE: Additions and substitutions are underlined;
Deletions are indicated by ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 1.13.1 thereof to read as follows:

SEC. 1.13.1 REGISTRATION FEES - PEST CONTROL OPERATORS AND ADVISERS. Pursuant to the California Food and Agricultural Code, ((Division 6, Chapter 4, Article 2,)) Sections 11734, 12034 and 15204, giving the Board of Supervisors authority to establish reasonable fees for registration of ((Agricultural)) Pest Control Operators and Pest Control Advisers, the fees to be charged effective January 1, ((1981)) 1989, ((is)) are:

((($25)) $50.00 for Agricultural Pest Control Operators.

$25.00 for Maintenance Gardeners.

$10.00 for Structural Pest Control Operators.

$10.00 for a resident Agricultural Pest Control Adviser, and

$ 5.00 for a non-resident Agricultural Pest Control Adviser.

APPROVED AS TO FORM:
LOUISE RENNE, City Attorney
Deputy City Attorney

APPROVED BY:
RUDOLF NOTHENBERG, CAO
Chief Administrative Officer

RECOMMENDED BY:
G. E. WEETH
County Agricultural Commissioner

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Board of Supervisors, San Francisco

Passed for Second Reading
July 25, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker

Finally Passed
August 1, 1988
Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 97-88-39

AUG 5 1988
Date Approved

Mayor

FILE NO. 97-88-42 ORDINANCE NO. 360-88

(ENVIRONMENTAL REVIEW FEES)

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 31.46 CONCERNING FEES FOR ENVIRONMENTAL REVIEW PROCEDURES.

NOTE: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 31 of the San Francisco Administrative Code is hereby amended by amending Section 31.46 thereof to read as follows:

Sec. 31.46. BASIC FEES

(a) The following basic fees shall be charged by the Department of City Planning, as specified in Section 31.45 above:

(1) For an initial evaluation of a project (Section 31.23) excluding use of special expertise or technical assistance, as described in Section 31.47 below, the fee shall be:

- where the total estimated construction cost as defined by the San Francisco Building Code is less than $10,000 ..... $160 (($150));
- where said total estimated construction cost is $10,000 or more, but less than $1,000,000 ..... $160 (($150)) PLUS .17% ((.15%)) of the cost over $10,000;
- where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000 ..... $1,843 (($1,635)) PLUS .11% ((.1%)) of the cost over $1,000,000;
- where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000 ..... $11,743 (($10,635)) PLUS .035% ((.03%)) of the cost over $10,000,000;
- where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000 ..... $18,743 (($16,635)) PLUS .02% ((.018%)) of the cost over $30,000,000;
- where said total estimated construction cost is $50,000,000 or more, but less than $100,000,000 ..... $22,743 (($20,235)) PLUS .006% of the cost over $50,000,000;
- where said total estimated construction cost is $100,000,000 or more $25,743 (($23,235)) PLUS .002% ((.001%)) of the cost over $100,000,000.

(2) For preparation of an environmental impact report (Sections 31.26 - 31.28) excluding use of special expertise or technical assistance, as described in Section 31.47 below the fee shall be:

- where the total estimated construction cost as defined in the San Francisco Building Code is less than $200,000 ..... $7,000 (($6,000)). For each 200 hours of staff time or fraction thereof
- where said total estimated construction cost is $200,000 or more, but less than $1,000,000 ..... $7,000 (($6,000)) PLUS .15% of the cost over $200,000
- where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000 ..... $8,200 (($7,200)) PLUS .11% ((.1%)) of the cost over $1,000,000
- where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000 ..... $18,100 (($16,200)) PLUS .05% ((.04%)) of the cost over $10,000,000
- where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000 ..... $28,100 (($24,200)) PLUS .02% of the cost over $30,000,000
- where said total construction cost is $50,000,000 or more, but less than $100,000,000 ..... $32,100 (($28,200)) PLUS .02% ((.015%)) of the cost over $50,000,000
- where said total estimated construction cost is $100,000,000 or more $42,100 (($35,700)) PLUS .01% of the cost over $100,000,000

(3) For an appeal to the City Planning Commission [Sections 31.14(b), 31.24(d), 31.25(b)]: the fee shall be $75 (($50)) to the appellant, and an

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additional fee shall be paid by the project sponsor based on the time and materials the Department expends in responding to the appeal; provided, however, that this additional fee shall not exceed the cost of the initial evaluation as set forth in paragraph 1 above.

(4) For a copy of an environmental impact report or other document, where this Chapter does not require the sending of that document to the person requesting it: the actual cost to the Department of City Planning of reproducing that copy.

(5) For preparation of an amendment to an environmental impact report that has previously been certified, pursuant to Section 31.36: one-third of the fee that would be required for a full environmental impact report on the same project, as set forth in paragraph 2 above.

(6) For preparation of a supplement to an environmental impact report that has not previously been certified: one-third of the fee that would be required for a full environmental impact report on the same project, as set forth in paragraph 2 above.

(7) For preparation of a supplement to an environmental impact report that has previously been certified: two-thirds of the fee that would be required for a full environmental impact report on the same project, as set forth in paragraph 2 above.

(8) For preparation of a Certificate of Exemption from Environmental Review: $100.

(9) For any project which has the potential to create shadow impact on property protected under City Planning Code Section 295(a), and is subject to computer analysis: a minimum fee of $5,000, and an additional fee to cover the cost of any time and materials which the Department has expended in excess of $5,000.

(b) Exemption. Any fraternal, charitable, benevolent or any other non-profit organization having a regular membership associated primarily for civic welfare, with revenue accruing therefrom to be used exclusively for the non-profit purpose of said organization, and which organization is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, benevolent or other non-profit organization, shall be exempt from paying the fees specified in Subsections (a)(1) and (a)(2) above.

(c) Refunds. When a request for an initial evaluation or for preparation of an environmental impact report is (1) either withdrawn by the applicant or deemed canceled by the Department of City Planning due to inactivity on the part of the applicant, and (2) the Environmental Review Officer determines that no substantial costs have been incurred by the Department in acting on the request (for example, no activity has occurred beyond initial scoping meetings) then the applicant shall be entitled to a refund of 75% of the fees paid to the Department.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____

Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____ Clerk

File No. 97-88-42

AUG 5 1988

Date Approved

_____ Mayor

Amendment of the Whole 7/13/88.

FILE NO. 97-88-43

ORDINANCE NO. 361-88

(PLANNING FEES)

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY AMENDING SECTIONS 350, 351, AND 352, DELETING SECTION 356, RENUMBERING SECTIONS 353, 354, 355, 356, 357, 358, 359, 360, 361, AND 362, AND ADDING NEW SECTIONS 353 AND 354 TO IMPOSE NEW FEES AND CHANGE THE AMOUNT OF FEES CURRENTLY CHARGED RELATING TO DEPARTMENT OF CITY PLANNING ACTIONS INCLUDING THE REVIEW OF PLANNING AUTHORIZATIONS.

NOTE: Additions are underlined, deletions are in ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

Section 1. Part II, Chapter II, Article 3.5, of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sections 350, 351, and 352, deleting Section 356, renumbering Sections 353, 354, 355, 357, 358, 359, 360, 361, and 362, and adding new Sections 353 and 354 to read as follows:

ARTICLE 3.5

FEES

Sec. 350. FEES, GENERAL. In order to compensate the Department of City Planning for a part of the cost of processing permit applications for the establishment, abolition or modification of a setback line, for signs, for demolition, for reclassification of property, for conditional use authorization, for granting of an exemption, for a variance, or for a coastal zone permit, in order to compensate the Department of City Planning for a part of the cost of reviewing permit applications filed in and issued by other City departments, and in order to compensate the Department of City Planning for a part of the cost of reviewing institutional master plans, projects which require review under Section 295 of this Code (park shadow ordinance) and permits requiring additional review by nature of their location within the C-3 District, fees shall be charged and collected as indicated for each class of application, permit, filing or request listed in Section 351 through 363 ((362)) below.

Sec. 351. FEES FOR APPLICATIONS TO ESTABLISH, ABOLISH OR MODIFY A SETBACK LINE, TO RECLASSIFY PROPERTY, TO AUTHORIZE A CONDITIONAL USE, TO CONSIDER A VARIANCE, OR TO REVIEW A COASTAL ZONE PERMIT. Before accepting any application for filing, the Department of City Planning shall charge and collect a fee as follows:

(a) For each application to establish, abolish or modify a setback line, the fee shall be $500 for each block frontage, or portion thereof, affected by the proposed application.

(b) For each application to reclassify property or impose interim zoning controls, the fee shall be,

Assessor's Block or Portion Thereof	Fee
1	$ 750
2	1,000
3	1,250
4	1,500
5	1,750
6	2,000
7	2,250
8	2,500
9	2,750
10 or more	3,000 plus $200 per block or portion thereof.

(c) For each application to authorize a conditional use pursuant to Section 303 of this Code, including a planned unit development under Section 304 of this code, or a variance under Section 305 or a Coastal Zone Permit under Section 330, the fee shall be:

(1) Where the total estimated construction cost as defined by the San Francisco Building Code is less than $10,000, $275 ($250));

(2) Where said total estimated construction cost is $10,000 or more, but less than $1,000,000, $350 ($320)) plus two and four-tenths ((two-tenths)) of one percent of the cost over $10,000;

(3) Where said total estimated construction cost is $1,000,000 or more, but less than ($10,000,000, $2,548 plus two and one-quarter)), $5,000,000, $2,726 plus two and eight-tenths of one percent of the cost over $1,000,000;

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(4) Where said total construction cost is $5,000,000 or more, but less than $10,000,000, $13,926 plus two and four-tenths of one percent of the cost over $5,000,000;

((4))(5) Where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000, $25,926 (($22,798)) plus one-and-one-quarter tenths ((one-tenth)) of one percent of the cost over $10,000,000;

((5))(6) Where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000, $50,926 (($42,798)) plus eight ((seven and one-half)) hundredths of one percent of the cost over $30,000,000;

((6))(7) Where said total estimated construction cost is $50,000,000 or more, but less than $100,000,000, $66,926 (($57,798)) plus five-and-one-half hundredths ((five-hundredths)) of one percent of the cost over $50,000,000;

((7))(8) Where said total estimated construction cost is $100,000,000 or more, $94,426 (($82,798)) plus one-and-one-half hundredths ((one-hundredth)) of one percent of the cost over $100,000,000.

Where an applicant requests both a conditional use authorization and coastal zone permit review, the amount of the conditional use fee shall be reduced by 50 percent.

(d) Exemption. Any fraternal, charitable, benevolent or any other nonprofit organization having a regular membership associated primarily for civic welfare, with revenue accruing therefrom to be used exclusively for the nonprofit purposes of said organization, and which organization is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent or other nonprofit organization, shall be exempt from paying the fees specified in paragraphs (a) through (c) inclusive of this Section. Any fraternal, charitable, benevolent or any other non-profit organization, which organization is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable,

benevolent or other non-profit organization, shall be exempt from paying the fees specified in paragraphs (a) through (c) inclusive of this Section; provided that the application is for the development of residential units all of which units are affordable to low and moderate households, as defined in the Guidelines of the United States Housing and Urban Development Department for a period of 20 years, which exemption shall apply notwithstanding the inclusion in the development of other non-profit ancillary or accessory uses.

(e) Refunds. When an application is (1) either withdrawn by the applicant, or deemed cancelled by the Department of City Planning due to inactivity on the part of the applicant, and (2) the Zoning Administrator determines that no substantial costs have been incurred by the Department in acting on the application, (for example, little time has been expended beyond initial scoping meetings), then the applicant shall be entitled to a refund of 75 percent of the fee paid to the Department.

Sec. 352. FEE FOR REVIEW OF BUILDING PERMIT APPLICATIONS. In order to compensate the Department of City Planning for a part of the cost of the review of building permit applications for compliance with the City Planning Code, fees shall be charged and collected by the Central Permit Bureau, upon application for a permit for a new building, or a permit to change the use or alter the exterior of an existing building, as indicated below, in conjunction with current and existing fee collections:

(a) Where the total estimated construction cost as defined by the San Francisco Building Code is $10,000 or less, the fee shall be $45 (($40));

(b) Where said total estimated construction cost is more than $10,000, but less than $2,000,000, the fee shall be $45 (($40)) plus fifteen-hundredths ((thirteen-hundredths)) of one percent of the cost over $10,000;

(c) Where said total estimated construction cost is $2,000,000 or more, the fee shall be $3,030 (($2,627)) plus eleven-hundredths ((one-tenth)) of one percent of the cost over $2,000,000;

In addition to the fees set forth above, there shall be the following

additional fees, to be collected by the Central Permit Bureau, upon identification by the Department of City Planning:

(d) Where the building permit is for property within the C-3 (Downtown Commercial) District, an additional fee of $200 to cover costs of providing the notices required under Section 309(c) and (d) of this Code;

(e) Where the building permit involves new construction exceeding 40 feet in height as defined under this Code or an alteration to an existing building which changes any exterior dimensions of the building at an elevation exceeding 40 feet in height, an additional fee of $200 to cover costs to the Department of City Planning to determine if the project will cast any new shadows upon property pursuant to Section 295 of this Code.

Sec. 353. FEE FOR BUILDING DEMOLITION APPLICATIONS. In order to compensate the Department of City Planning for a part of the cost of review of building permit applications for demolition, the fee shall be $100, to be collected by the Central Permit Bureau, at time of application.

Sec. 354. FEE FOR SIGN APPLICATIONS. In order to compensate the Department of City Planning for a part of the cost of the review of sign applications, the fee shall be $50, to be collected by the Central Permit Bureau, at time of application.

Sec. 355 ((353)). FEE FOR REVIEW OF PERMIT APPLICATIONS ISSUED BY THE FIRE DEPARTMENT, THE POLICE DEPARTMENT AND THE DEPARTMENT OF PUBLIC HEALTH. In order to compensate the Department of City Planning for a part of the cost of the review of permit applications under the jurisdiction of the Fire Department, the Police Department and the Department of Public Health, a fee of $40 shall be charged and collected by the other departments in conjunction with current and existing fee collections.

Sec. 356 ((354)). FEE FOR FILING OF INSTITUTIONAL MASTER PLANS. In order to compensate the Department of City Planning for the cost of reviewing and maintaining records on institutional master plans pursuant to Section 304.5 of this Code, the Department shall charge and collect a fee as follows:

(a) Where a full institutional master plan or substantial revision to such a

plan is filed, the fee shall be $1,000 to be collected prior to the Department's accepting the plan;

(b) Where an abbreviated institutional master plan is filed, the fee shall be $300 to be collected prior to the Department's accepting the plan; when a Planning Commission public hearing is deemed necessary, an additional fee of $300 shall be collected prior to the Department's providing notice of the hearing.

Sec. 357 ((355)). FEE FOR REVIEWING NOTICES OF SPECIAL RESTRICTIONS. The Zoning Administrator shall maintain a list of those provisions of this Code containing a requirement that a notice of restrictions be recorded in the office of the County Recorder and any applicant seeking approval of the form of such notice shall be charged a fee of $50.

((Sec. 356. FEE FOR REVIEWING PROPOSALS WHICH CAST A SHADOW ON RECREATION AND PARK COMMISSION PROPERTY. In order to compensate the Department of City Planning for the cost of evaluating the impact of shadows cast by buildings upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission, pursuant to Section 295 of this Code, the Department shall charge and collect a minimum fee of $500 prior to scheduling a matter for public hearing. Prior to approving any building permit, the Department shall charge and collect an additional fee to cover the cost of any time and materials the Department of City Planning expends over and above the minimum fee in reviewing the application.))

Sec. 358 ((357)). FEE FOR CITY PLANNING COMMISSION REVIEW OF PROJECTS WITHIN THE C-3 (DOWNTOWN COMMERCIAL) DISTRICT. In order to compensate the Department of City Planning for the cost of reviewing projects within the C-3 (Downtown Commercial) District, pursuant to Section 309 of this Code, the Department shall charge and collect the following fees:

(a) A fee based on the fee schedule in Section 351(c) above to cover costs for determination of whether additional modifications are necessary as authorized in Section 309 of this Code;

(b) For an application for an exception, as authorized in Section 309(a) of this Code, a fee equal to 1/2 the fee as set forth in Section 351(c) shall be

charged and collected by the Department of City Planning prior to accepting said application.

Sec. 359 ((358)). FEE FOR REVIEWING PROJECTS SUBJECT TO OFFICE DEVELOPMENT LIMITS. In order to compensate the Department of City Planning for the cost of reviewing projects pursuant to Sections 320 through 323 of this Code, the Department shall charge and collect, at the time of application for project authorization, $15,000 per application. This fee shall be due and payable with respect to those projects which are eligible for consideration and participate in the first review period upon the effective date of the ordinance establishing the fee. No department or agency of the City and County of San Francisco shall permit the issuance or approval of any permit for a project considered in the first review period until this fee has been paid. If a project which is eligible for consideration in the first review is withdrawn from consideration in that period and has paid the fee required by this Section, the project applicant shall not be charged a fee for consideration in a later review period; provided, however, that the fee shall be charged to such a project applicant prior to a review in a later review period if the project has, within the determination of the Director of Planning, been substantially altered.

Sec. 360 ((359)). FEE FOR MONITORING PROJECTS. In order to compensate the Department of City Planning for the cost of monitoring authorized projects under Sections 149, 163, 164, 165 and 321 of this Code, the Department shall charge $5,000 per project, to be collected by the Central Permit Bureau at the time the Building Permit is issued.

Sec. 361 ((360)). FEE FOR REVIEWING REQUESTS RELATING TO TDR AND ARTICLE 11 DESIGNATED BUILDING. Fees under this Section shall be collected as follows:

(a) For each application for designation or change of designation of a Significant or Contributory Building, the fee shall be $500.

(b) For each application for designation or change of boundary of a Conservation District, the fee shall be $500.

(c) An application for a permit for alteration of a Significant or

Contributory Building or building within a designated Conservation District which the Zoning Administrator has deemed minor as provided in Section 1111 or 1111.1 shall have no fee in addition to other fees which may be applicable.

(d) An application for a permit for alteration not deemed minor, as described in Subsection (c) above shall be $100. This fee shall be in addition to any fee otherwise required for permits to alter or demolish; provided, however, that if the permit is for alteration of a Contributory Building located outside a Conservation District from which no TDR have been transferred, and the applicant elects to proceed without issuance of a permit pursuant to Sections 1111 through 1111.6, the fee shall be $25.

(e) An application for a permit to demolish a Significant or Contributory Building shall be $500. This fee shall be in addition to any fee otherwise required for permits to alter or demolish. However, no fee in addition to that otherwise required for a demolition permit shall be charged for an application to demolish a Contributory Building located outside a Conservation District from which no TDR have been transferred or a Category V Building in a Conservation District from which no TDR have been transferred.

(f) For each application for a Statement of Eligibility the fee shall be $500, for execution of a Certificate of Transfer the fee shall be $250, and for Certification of Transfer of TDR the fee shall be $500.

(g) For each permit application for a determination that a building is a compatible rehabilitation or a compatible replacement building, pursuant to Sections 309 and 1109, the fee shall be the same as an application for a conditional use permit.

Exemption. Any organization exempt from federal income taxes under Internal Revenue Code Section 501(c)(3) shall be exempt from paying the fees specified in this section.

Sec. 362 ((361)). FILING FEES AND PROVISION FOR EXCEPTION. Before accepting for filing any application for designation of a landmark, or for amendment or rescission of such designation, or for an application for a certificate of

appropriateness under Article 10, the Department shall charge and collect the fees here specified:

(a) For each application for designation of a landmark, or the amendment or rescission or the designation of an historical district, the fee shall be $50.

(b) For each application for a certificate of appropriateness the fee shall be $200.

(c) Exemption. Any fraternal, charitable, benevolent or any other nonprofit organization having a regular membership associated primarily for civic welfare, with revenue accruing therefrom to be used exclusively for the nonprofit purposes of said organization, and to which organization is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, benevolent or other nonprofit organization shall be exempt from paying the fee specified in Subsection (a) above.

Sec. 363 ((362)). FEE FOR REVIEW OF PROJECTS UNDER DISCRETIONARY REVIEW. Any person who requests that the Department of City Planning schedule before the City Planning Commission a hearing to consider a permit pursuant to Section 26 of Part III of the San Francisco Municipal Code shall, prior to the Department's providing notice of such hearing, pay a fee of $50.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By Judith A. Boggian
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 97-88-43

AUG 5 1988
Date Approved

Mayor

FILE NO. 97-88-49 ORDINANCE NO. 362-88

[Project 20 Administrative Fee)

AMENDING CHAPTER VIII OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 8.30 THERETO ESTABLISHING AN ADMINISTRATIVE FEE FOR CERTAIN COSTS INCURRED BY THE ADULT PROBATION DEPARTMENT.

Note: The entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors hereby finds:

1. Project 20, a post-conviction community service sentencing alternative for adult offenders in San Francisco, is operated by the Adult Probation Department.

2. Adult offenders are referred by the traffic courts to Project 20 or elect to perform community service as an alternative to the payment of traffic fines.

3. Clients referred to Project contribute time, energy and talent to a bank of more than 150 local taxpayer sponsored and non-profit organizations.

4. Program staff interview, screen and place all clients, monitor service performance and hours, and report back to the court as necessary.

5. The bank of placement agencies is reviewed, developed and maintained to sustain an ongoing community service program that makes a range of unskilled to professional work available.

6. Project 20 also serves San Francisco residents referred from other counties and administers the placement of out-of-county referrals when necessary.

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/ / /

Section 2. Chapter VIII of the San Francisco Administrative Code is hereby amended by adding Section 8.30 thereto, to read as follows:

SEC. 8.30. ADULT PROBATION DEPARTMENT -- PROJECT 20 ADMINISTRATIVE FEE.

(a) The Adult Probation Department is hereby authorized to charge adult offenders an administrative fee to participate in the community service alternative sentencing program of Project 20, when offenders elect to participate as an alternative to the payment of fines, pursuant to California Vehicle Code Section 40700 (b). Such fee shall be charged to defray the costs of interviewing, placing, monitoring, and reporting the performance of Project 20 participants.

(b) Adult offenders, who elect to perform a specified number of hours of community service through Project 20 of the Adult Probation Department, shall be subject to the payment of an administrative fee to the Adult Probation Department. Such fee shall be determined by the Adult Probation Department to recover costs incurred for the administration of the program and shall be approved by the Board of Supervisors. Such fee shall be at a rate that is no less than $10.00 and no more than $75.00. Performance of alternative community service work shall not commence until the total fee due is paid in full to the Adult Probation Department.

(c) Inter-county Transfer Fee. An Inter-County Transfer Fee shall be charged at a fixed rate of $25.00 to offenders who request or who are referred by a court or a probation department of a jurisdiction outside of the City and County of San Francisco to perform alternative community service within the boundaries of the City and County of San Francisco. The Inter-County Transfer Fee shall also be charged at the same rate for the administrative costs

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incurred by the Adult Probation Department to process requests for referral of San Francisco residents to perform alternative sentencing community service outside of the City and County of San Francisco.

(d) Waiver or Adjustment of Fees. Guidelines to determine the financial ability of offenders to pay the administrative fee shall be established by the Adult Probation Department. Such guidelines shall include, but not be limited to, a review by the Adult Probation Department of documentation sufficient to evaluate the offender's income level. Upon its review, the Adult Probation Department may reduce the rate or waive the administrative fee where it determines that the offender is unable to pay all or a portion of the full fee. Any person 65 years of age or over and who has no source of income other than Social Security Insurance Benefits shall not be subject to the payment of the Project 20 administrative fee.

(e) Deposit of Revenue. Project 20 administrative fees received by the Adult Probation Department shall be deposited with the City and County Treasurer, and the Controller shall reimburse the Adult Probation Department for the costs of departmental services to perform the functions and operations referred to in this section.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Theodore R. Lakey
Deputy City Attorney

2485g

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
Absent: Supervisors Ward	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-88-49

AUG 5 1988
Date Approved

Mayor

FILE NO. 101-88-2.1 ORDINANCE NO. 363-88

(Annual Appropriation Ordinance)

AMENDING ANNUAL APPROPRIATION ORDINANCE FISCAL YEAR 1988-1989 SECTION 10.03 TO CLARIFY USE OF FUNDS RELATING TO LAYOFF OF CITY EMPLOYEES.

Additions in the text are indicated by underlining;
deletions are indicated by double brackets (( )).

Be it ordained by the People of the City and County of San Francisco:

SEC. 1. The Annual Appropriation Ordinance for Fiscal Year 1988-1989 is amended by amending SEC. 10.03 thereto to read as follows:

SEC. 10.03 The Controller is hereby authorized and directed upon the request of a department head and approval by the Chief Administrative Officer, Board or Commission for departments under their respective jurisdiction and the approval by the Mayor's Office to transfer from the Reserve for Employee Severance Costs for General Fund supported departments or from any other legally available funds for Special Revenue Funds amounts needed when sufficient funds are not otherwise available to fund ((the vested liability)) <u>legally mandated salaries, fringe benefits and other costs related to the layoff of City employees</u> ((of City employees being laid off)). Such funds are hereby appropriated for the purpose set forth herein.

APPROVED:

LOUISE H. RENNE
CITY ATTORNEY

By:

Theodore R. Lakey
Deputy City Attorney

ac(0721P104)

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Maher Molinari Nelder Silver Walker Ward
	Absent: Supervisors Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

AUG 5 1988
Date Approved

Mayor

File No.
101-88-2.1

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AUG 25 1988
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FILE NO. 117-88-3 ORDINANCE NO. 364-88

[HIGH RISE INSPECTION FEE]

AMENDING PART II, CHAPTER IV OF THE SAN FRANCISCO MUNICIPAL CODE (FIRE CODE) BY AMENDING SECTION 4.207 THEREOF, INCREASING FEE FOR FIRE DEPARTMENT INSPECTIONS OF HIGH RISE STRUCTURES.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter IV of the San Francisco Municipal Code (Fire Code) is hereby amended by amending Section 4.207 thereof, to read as follows:

High Rise Inspection Fees.

Sec. 4.207. (a) In conducting inspections of high rise structures pursuant to Section 13217 of the California Health and Safety Code, the San Francisco Fire Department shall require the owner of the structure to pay a fee to cover the department's costs of inspection. Such fee shall be calculated on the basis of ((three dollars and forty cents)) four dollars per 1000 square feet of gross floor area, and shall be collected by the fire department.

(b) For purposes of this section, the term "gross floor area" shall be defined as the entire area of each floor, attic, basement or shaft of a building included within the surrounding exterior walls of a building, including any portion not included within the surrounding exterior walls; provided, however, that such portion is under the horizontal projection of the roof or floor above.

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(c) A notice of payment due shall be sent by the fire department to the owner of the structure and shall contain the following information:

1. The date and location of the fire department's high rise inspection.

2. The amount of the inspection fee.

3. A statement advising the owner of the structure that he or she is liable under this section for the costs of inspection in the amount indicated in the notice and that payment to the city to reimburse it for these costs is due within 60 days of the mailing date of the notice.

4. A statement advising that a penalty of 10 percent plus interest at the rate of one percent per month on the outstanding balance shall be added to the costs from the date that payment is due under subsection (c) 3;

5. A statement advising the owner of the structure that if payment of the costs is not received within 90 days of the mailing date, a lien may be imposed on the property of the owner of the structure pursuant to the provisions of this section.

6. A statement that the owner of the structure may appeal the square foot determination contained in the notice of payment due to the chief of department. Said appeal must be filed in writing with the fire department no later than 30 days after the date the notice of payment due is issued. The chief of department's decision on the appeal shall be final.

(d) If full payment of the costs is not received within 60 days after the notice of payment due was sent, a second notice of payment due shall be sent by the fire department to the owner of the structure. The second notice shall state that the owner of the structure is liable for the payment of the costs indicated on the

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notice and that if payment of such costs is not received within 30 days of the mailing date of the second notice, a lien may be imposed on the subject high rise structure pursuant to the provisions of this section.

(e) If payment is not received within 30 days following mailing of the second notice, the fire department shall initiate special assessment lien proceedings pursuant to the provisions of Article XX, Chapter 10 of the San Francisco Administrative Code, by reporting the delinquency to the board of supervisors. The entire unpaid balance of the costs, including penalty on the unpaid balance, shall be made a special assessment against the subject high rise structure. Such charges against delinquent accounts shall be reported to the board at least once each year. The chief of department may advise the fire department and the board which of such delinquent accounts should be exempted from the lien procedure because of the small amounts involved, or because another procedure is more appropriate.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

2029g

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 117-88-3

AUG 5 1988
Date Approved

_____
Mayor

Amended in Cmte. 7/13/88

FILE NO. 117-88-4 ORDINANCE NO. 365-88

[Property Inspection Fee]

AMENDING PART II, CHAPTER IV OF THE SAN FRANCISCO MUNICIPAL CODE (FIRE CODE) BY AMENDING SECTION 4.208 THEREOF, ESTABLISHING A PROPERTY INSPECTION FEE FOR FIRE DEPARTMENT REVIEW OF PLANS SUBMITTED WITH BUILDING PERMIT APPLICATIONS.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter IV of the San Francisco Municipal Code (Fire Code) is hereby amended by amending Section 4.208 thereof, to read as follows:

Section 4.208. Plan Review Fee Schedule.

Upon application for a permit for the erection of a new building or for alteration work for which plans are required by the Bureau of Building Inspection, the Central Permit shall charge and collect a fee to compensate the Fire Department for its costs to review plans submitted with building permit applications for compliance with fire safety regulations. The fee shall be based on the valuation of the work as determined by the Bureau of Building Inspection. The plan review fee shall be as follows:

VALUATION		FEE
Over	Not more than	
$0	$1,000	$24.00
$1,000	$5,000	$24.00 plus $5.25 per $1,000 over $1,000
$5,000	$10,000	$45.00 plus $2.80 per $1,000 over $5,000
$10,000	$50,000	$59.00 plus $1.275 per $1,000 over $10,000
$50,000	$100,000	$110.00 plus $0.70 per $1,000 over $50,000
$100,000	$500,000	$145.00 plus $0.325 per $1,000 over $100,000
$500,000	$2,500,000	$275.00 plus $0.12 per $1,000 over $500,000
$2,500,000	$5,000,000	$515.00 plus $0.064 per $1,000 over $2,500,000
$5,000.000	$15,000,000	$675.00 plus $0.0375 per $1,000 over $5,000,000
$15,000,000	$30,000,000	$1,050.00 plus $0.22 per $1,000 over $15,000,000
$30,000,000	$50,000,000	$1,380.00 plus $0.015 per $1,000 over $30,000,000
$50,000,000	$100,000,000	$1,680.00 plus $0.0104 per $10,000 over $50,000,000
$100,000,000	--	$2,200.00 plus $0.005 per $1,000 over $100,000,000

When the Fire Department determines a field inspection is also required to certify that building plans and construction are in compliance with fire safety regulations, it shall calculate an additional fee to compensate for the additional costs to conduct such inspection(s). The Central Permit Bureau shall collect the inspection fee due, as calculated by the Fire Department, prior to the issuance of a building permit. The Fire Department shall document its time conducting field inspections for construction projects valued over $500,000. The Fire Department shall charge an hourly rate of $60.00 for field inspection time which exceeds 3 hours for such building projects. The Fire Department shall collect

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the balance of the total inspection fee due from the permitte, which has not been paid to the Central Permit Bureau, prior to the issuance of the certificate of final completion and occupancy to the property owner. The Fire Department shall reimburse the Bureau of Building Inspection Special Fund for the costs incurred by the Bureau of Building Inspection in collecting such fees.

The field inspection fee shall be as follows:

VALUATION

Over	Not More Than	
0	$50,000	$60.00
$50,000	$500,000	$120.00
$500,000		$180.00

All plan review and field inspection fees charged by the Fire Department pursuant to these provisions shall be excluded from provisions of Administrative Code Section 10.117-78 regulating the deposit of plan review fees.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading

July 25, 1988

Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker

Finally Passed

August 1, 1988

Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward

Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
117-88-4

AUG 5 1988
Date Approved

Mayor

FILE NO. 117-88-5 ORDINANCE NO. 366-88

[FIRE CODE ENFORCEMENT)

AMEND PART II, CHAPTER IV OF THE SAN FRANCISCO MUNICIPAL CODE (FIRE CODE), BY AMENDING SECTIONS 3.104 (b) AND 3.105 TO PROVIDE FOR THE IDENTIFICATION OF OFFICERS WHO MAY ENFORCE THE CODE AND BY ESTABLISHING A REINSPECTION FEE.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Enforcement Against Violations.

3.104 (a) Violations Unlawful. Any condition in violation of this code or any condition that, in the opinion of the chief of the division, is a fire hazard, as defined by this code, is hereby found and declared to be unlawful and a public nuisance. Should any permit which has been issued for a condition that was not then in conformity with the provisions of this code, such permit shall be null and void.

(b) Enforcement of Fire Safety Laws: Designated Officers and Employees. Pursuant to California Penal Code, Title 3, Section 836.5, the classes of officers or employees of the City and County of San Francisco listed below are empowered to enforce all provisions of the San Francisco Fire Code against violations as a misdemeanor or infraction by exercising arrest and citation authority.

Classification No.	Class Title
H-50	Assistant Chief
H-40	Battalion Chief
H-30	Captain

/ / /

Classification No.	Class Title
H-32	Captains Division of Fire Prevention and Investigations
H-22	Lieutenants Bureau of Fire Prevention
H-24	Lieutenants Bureau of Fire Investigation
H-4	Inspectors Fire Prevention and Public Safety
H-6	Investigators Bureau of Investigation
6280	Fire Safety Inspectors I - Bureau of Fire Prevention and Public Safety
6281	Fire Safety Inspectors II - Bureau of Fire Prevention and Public Safety

The Chief of the Fire Department in coordination with the Chief of Police shall establish and cause to be administered a special enforcement training program designed to instruct each officer or employee who will exercise arrest and citation authority. Such training shall include guidance and instruction regarding the evidentiary prerequisites to proper prosecution for violations thereof; the appropriate procedures for making arrests or otherwise prudently exercising such arrest and citation authority; and the legal and practical ramifications and limitations relevant to exercising enforcement authority.

((b)) (c) Methods of Enforcement. The chief of the division shall have authority to enforce this code against violations thereof by any of the following actions.

1. Serving notice requiring the cessation, removal or correction of any violation of this code upon the owner , agent or tenant of the property that is the subject of the violation, or upon the architect, builder, contractor or the person who commits or assists in such violation.

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2. The classes of officers and employees set forth in subsection (b) of this section shall utilize, where appropriate, the procedure prescribed by Section 836.5 and Chapter 5C (commencing with Section 853.5) of Title 3, Part 2, of the Penal Code of the State of California.

((2.)) 3. Calling upon the city attorney to maintain an action for injunction to restrain or abatement to cause the correction or removal of any such violation, and for assessment and recovery of a civil penalty for such violations;

((3.)) 4. Calling upon the district attorney to institute criminal proceedings in enforcement of this code against any such violation; and

((4.)) 5. Calling upon the chief of police and authorized agents to assist in the enforcement of this code.

(d) Reinspection of Violation Fee. If an inspection by a designated officer or employee of the Fire Department discloses a violation(s) of a fire safety regulation(s), the department shall determine a period of time that is reasonable to remedy the violation and reinspect the property to verify such correction. The Department shall collect a fee in the amount of $60.00 to compensate the Department for its costs to perform each reinspection that is necessary to certify correction of the code violation(s) and secure compliance with the applicable Fire Code requirements. On site inspections which require more than one hour to complete shall be subject to an additional fee at the rate of $15.00 for each quarter-hour increment beyond the first sixty minutes of the Department's on-site review.

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PENALTIES FOR VIOLATIONS.

SEC. 3.105. Pursuant to Section 36900 (a) and (b) of the Government Code of the State of California, any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this code or any lawful order issued pursuant thereto shall be guilty of an infraction or a misdemeanor and the complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction. Every violation is punishable by (1) a fine not exceeding $100.00 for a first violation; (2) a fine not exceeding $200.00 for a second violation; (3) a fine not exceeding $500.00 for a third or more violation of the same ordinance within one year. If charged as infraction, the penalty upon conviction therefor shall be not less than $50.00 or more than $500.00, no part of which may be suspended. If charged as a misdemeanor, the penalty upon conviction therefor shall be a fine of not less than $500 ((dollars)) or more than $1000 or imprisonment in the county jail, not exceeding six months, or both fine and imprisonment, no part of which may be suspended. Every day such violation, disobedience, omission, neglect or refusal shall continue shall be considered as a new offense. Any person who shall do any work in violation of any of the provisions of this code, and any person having charge of such work who shall permit it to be done, shall be liable to the penalty provided.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

1950g

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 25, 1988	§	August 1, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker	§	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
	§	
	§	
	§	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

AUG 5 1988
Date Approved

Mayor

File No.
117-88-5

FILE NO. 118-88-1 ORDINANCE NO. 367-88

(Hazardous Materials Fees)

AMENDING PART II, CHAPTER V (HEALTH CODE) OF THE SAN FRANCISCO MUNICIPAL CODE BY AMENDING SECTION 1199 THEREOF AND AMENDING PART III OF THE SAN FRANCISCO MUNICIPAL CODE BY AMENDING SECTION 1 AND REPEALING SECTION 1.77 TO PROVIDE FOR PERMIT AND LICENSE FEES.

Be it ordained by the People of the City and County of San Francisco:

Section 1, Part II, Chapter V (Health Code) of the San Francisco Municipal Code is hereby amended by amending Section 1199 thereof as follows:

Note: Additions are underlined; deletions are enclosed in double parentheses (( )).

SEC. 1199. Permit and License Fee Schedule.

(a) ((Except as provided in subsection (d),)) Every person, firm or corporation engaged in the business of storing hazardous materials ((above ground)) in an underground storage tank who requires a hazardous materials storage permit pursuant to this article and whose primary business is the dispensing of motor vehicle fuel to the public shall pay ((in advance to the Health Department an initial nonrefundable filing fee of one hundred and thirty dollars ($130) for permit processing.)) permit and filing fees as follows:

1. at the time an application for a hazardous materials storage permit is filed, a nonrefundable application fee of three hundred dollars ($300); and

2. at the time of issuance of an initial full term permit, a permit fee of seventy-five dollars ($75) for each tank.

(b) Except for those persons, firms or corporations

FILE NO. _____ ORDINANCE NO. _____

enumerated in subsection (a), every person, firm or corporation engaged in the business of storing hazardous materials who requires a hazardous materials storage permit pursuant to this article, shall pay filing and permit fees as follows:

1. at the time an application for a hazardous materials storage permit is filed, a nonrefundable application fee of three hundred dollars ($300); and

2. at the time of issuance of an initial full term permit a permit fee based on the number of hazard classes and the quantity of hazardous materials stored at the facility. Quantity groups, hazard classes and corresponding fees are shown on Charts I, II, and III, respectively. If the quantity of hazardous materials falls into more than one quantity group, the highest group number shall be used to calculate the fees.

CHART I
QUANTITY GROUPS

GROUP No.	QUANTITY OF LIQUIDS (GALLONS)	QUANTITY OF SOLIDS (POUNDS)	QUANTITY OF GASES (CUBIC FEET)
1	less than 55	less than 500	less than 200
2	55 - 549	500 - 4,999	200 - 1,999
3	550 - 2,749	5,000 - 24,999	2,000 - 9,999
4	2,750 - 4,999	25,000 - 49,999	10,000 - 19,999
5	5,000 or greater	50,000 or greater	20,000 or greater

CHART II
HAZARD CLASSES

Combustible	ORM-A
Corrosive	ORM-B
Etiologic Agent	ORM-E
Explosive A	Oxidizer
Explosive B	Poison A
Explosive C	Poison B
Flammable Gas	Radioactive
Flammable Liquid	ORM-C
Flammable Solid	ORM-D

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Irritating Material	Cryogenic Liquid
Nonflammable Gas	Carcinogen
Organic Peroxide	Other

CHART III

INITIAL FULL TERM PERMIT FEE
BY NUMBER OF HAZARD CLASSES AND QUANTITY GROUP

NUMBER OF HAZARD CLASSES STORED AT FACILITY	QUANTITY GROUPS 1	2	3	4	5
1 - 2	$ 75	$150	$225	$ 300	$ 375
3 - 4	$150	$225	$300	$ 375	$ 450
5 - 6	$150	$300	$375	$ 525	$ 750
7 - 8	$300	$375	$450	$ 750	$1200
9 - 10	$375	$450	$675	$ 900	$1500
11 Plus	$450	$525	$825	$1500	$2100

(((b))) (c) Every person, firm or corporation engaged in the business of storing hazardous materials ((above ground)) who requires a hazardous materials permit pursuant to this article shall pay to the Health Department at the conclusion of any required inspection a fee of ((sixty-five dollars ($65))) seventy-five dollars ($75) for each hour of on-site inspection or portion thereof.

(((c) Except as provided in subsection (d), every person, firm or corporation engaged in the business of storing hazardous materials in an underground storage tank who requires a hazardous materials storage permit pursuant to this article shall pay in advance to the Health Department an initial, nonrefundable filing fee of one hundred and ninety-five dollars ($195) for permit processing and a first time on-site inspection of one underground tank and sixty-five dollars ($65) for each additional tank.))

(((d) Every person, firm or corporation engaged in the business of storing hazardous materials both above ground and in one or more underground storage tanks who requires a hazardous materials storage permit pursuant to this article, shall pay in advance to the Health Department an initial, nonrefundable filing fee of one hundred and ninety-five dollars ($195) for permit processing of the above ground and underground facilities and a first time on-site inspection of one underground storage tank and sixty-five dollars ($65) for each additional underground storage tank.))

(((e))) (d) Every person, firm or corporation engaged in the business of storing hazardous materials in an underground storage tank(s) who requires approval to repair, modify, remove or close the underground tank(s) pursuant to this article, shall pay to the Health Department in advance of approval to repair, modify, remove or close the tank(s) a minimum nonrefundable fee of ((one hundred and ninety-five dollars ($195))) two hundred and twenty-five dollars ($225) for processing the approval request and an on-site inspection of up to three hours. On conclusion of the inspection, the applicant shall pay to the Health Department ((sixty-five dollars ($65))) seventy-five dollars ($75) for each hour of on-site inspection or portion thereof exceeding three hours.

(((f))) (e) Except as provided in subsection (((e))) (d), every person, firm or corporation engaged in the business of storing hazardous materials who requires approval to repair, modify, remove or close the storage facility shall pay to the Health Department at the conclusion of any required on-site inspection a fee of ((sixty-five dollars ($65))) seventy-five dollars ($75) for each hour of on-site inspection or portion

thereof. In addition, every person, firm, or corporation who is required to file a closure plan pursuant to Section 1114, other than for an underground storage tank, shall pay in advance to the Health Department a nonrefundable fee of two hundred and twenty-five dollars ($225) for processing the closure plan.

(f) Every person, firm, or corporation engaged in the business of storing hazardous materials who requests an interim permit pursuant to Health Code Section 1121, shall pay in advance to the Health Department a nonrefundable interim permit fee of one hundred and fifty dollars ($150), which shall be deducted from any initial full term permit fee charged pursuant to subsections (a) or (b).

(g) Every person, firm or corporation engaged in the business of storing hazardous materials who requests an extension of an interim permit pursuant to Health Code Section 1121, shall pay ((to the Health Department at the conclusion of an on-site inspection required for approval of the extension a fee of sixty-five dollars ($65) for each hour of on-site inspection or portion thereof.)) in advance to the Health Department a nonrefundable interim permit extension fee of three hundred dollars ($300) to cover the costs of permit processing and an administrative hearing. The interim permit extension shall be effective for one (1) to one hundred and eighty (180) days as indicated on the permit.

(h) Every person, firm or corporation engaged in the business of storing hazardous materials who is required to file an addendum to a permit pursuant to Health Code Section 1120.1, shall pay to the Health Department at the time of filing the addendum seventy five dollars ($75) plus any difference between the permit fee charged for the initial full term permit under

subsection (a)2. or (b)2. and the permit fee that would have been charged had the information in the addendum been taken into account in calculating the initial full term permit fee.

(i) Every person, firm or corporation engaged in the business of storing hazardous materials who requests a temporary permit pursuant to Health Code Section 1122, shall pay to the Health Department on filing an application for a temporary permit a nonrefundable temporary permit fee of one hundred and fifty dollars ($150).

(((h)))(j) Every person, firm or corporation engaged in the business of storing hazardous materials who requires a hazardous materials storage permit pursuant to this article, shall pay in advance to the Health Department an initial, nonrefundable fee of forty dollars ($40) for permit review by the Department of City Planning unless the applicant already has a permit from the Health Department, Police Department or Fire Department for the establishment based on the same materials, activities or use or the applicant is required to obtain a building permit prior to issuance of a hazardous materials storage permit.

(((i)))(k) Every person, firm or corporation engaged in the business of storing hazardous materials for which a hazardous materials storage permit is required and who is not subject to the permit requirements of the Fire Code (Part II, Chapter IV), shall pay to the Health Department at the conclusion of any on-site inspection required by the Fire Department inspectors a surcharge of twenty-six dollars ($26) for each hour of on-site inspection or portion thereof by the Fire Department.

(((j)))(l) Every person, firm or corporation engaged in the business of storing hazardous materials who requires a permit from the Health Department shall pay the following nonrefundable

annual ((license)) filing and permit renewal fees ((in advance to the Tax Collector)) to the Health Department.

((1. For hazardous materials stored above ground: one hundred dollars ($100); provided, however, that anyone who pays the license fee for hazardous materials stored underground is exempt from this fee.))

((2.)) 1. For businesses that store hazardous materials ((stored)) in underground tanks and whose primary business is the dispensing of motor vehicle fuel to the public: ((one hundred and thirty dollars ($130) for the first underground storage tank and sixty-five dollars ($65) for each additional underground hazardous materials storage tank located at the same site)) (i) at the time of filing the permit renewal application, a filing fee of one hundred dollars ($100); and (ii) at the time of issuance of the permit renewal, a permit renewal fee of seventy-five dollars ($75) per tank.

2. For all businesses that store hazardous materials other than those enumerated in 1. above: (i) at the time of filing the permit renewal application, a filing fee of one hundred dollars ($100); and (ii) at the time of issuance of the permit renewal, a permit renewal fee of fifty percent of the amount shown in Chart III in subsection (b) for the corresponding number of hazard classes and quantity of hazardous materials stored at the facility.

The ((license)) filing fees prescribed by this subsection are due and payable thirty (30) days prior to the expiration of the permit. ((on an annual basis on January 1. No license fee shall be charged for one year from the date of approval of the hazardous materials storage permit. Fees for new licenses and

for licenses renewed within one year of the date of approval of the permit, shall be prorated on a monthly basis from one year of the date of issuance of the permit.))

Section 2. Part III of the San Francisco Municipal Code (Miscellaneous) is hereby amended by amending Sections 1 and repealing Section 1.77 thereof to read as follows:

NOTE: Additions or substitutions are underlined; deletions are indicated by ((double parentheses)).

SEC. 1. Designating Departments for Issuance of Permits.

Permits shall be issued for the location and conduct of the businesses, enterprises or activities, enumerated hereinafter in Sections 1.1 to ((1.77)) 1.76 inclusive, by the department or office authorized by Sections 1.1 to ((1.77)) 1.76 inclusive and Section 2 of this article to issue each such class of permit, and subject to the approval of other departments and offices of the city and county, where specifically designated in any such case; provided that permit or license fees as required by ordinance shall be collected by the Tax Collector as provided in Section 3 of this article.

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FILE NO._____ ORDINANCE NO._____

((SEC. 1.77. For the storage of hazardous materials - by the Health Department.))

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By Elaine C. Warren

RECOMMENDED BY:

Sandy Orya Mori

SAN FRANCISCO HEALTH COMMISSION
SANDY MORI, SECRETARY

41729

Board of Supervisors, San Francisco

Passed for Second Reading

July 25, 1988

Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker

Finally Passed

August 1, 1988

Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward

Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
118-88-1

AUG 5 1988
Date Approved

Mayor

FILE NO. 124-88-11 ORDINANCE NO. 368-88

(Parking Meter Funds)

AMENDING PART II, CHAPTER XI, SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE), BY AMENDING SECTION 213 THEREOF INCREASING GENERAL FUND THRESHOLD TO $6,000,000 BEFORE EXCESS MONIES FROM PARKING METERS MAY BE DEPOSITED IN OFF-STREET PARKING FUND.

NOTE: Additions and substitutions are underlined;
Deletions are indicated by ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

Section 1. Part II, Chapter XI of the San Francisco Municipal Code (Traffic Code) is hereby amended by amending Section 213 thereof to read as follows:

SEC. 213. USE PARKING METER FUNDS - CREATION OF OFF-STREET PARKING FUND. Coins deposited in parking meters shall be collected by the Tax Collector and deposited in the Treasury of the City and County of San Francisco.

All monies in excess of $1,500,000 so deposited during any fiscal year shall be credited to a special fund to be known as the "Off-Street Parking Fund", except that commencing with fiscal year 1987-88 all monies in excess of $3,000,000 so deposited shall be credited to said Off-Street Parking Fund, <u>except that commencing with fiscal year 1988-89 all monies in excess of $6,000,000 so deposited shall be credited to said Off-Street Parking Fund</u>. All net revenues received from off-street City-owned parking facilities leased by City to private operators, costs of which facilities were paid for them from the Off-Street Parking Fund, and those facilities listed in Subsection (a) below, limited to the period provided in that Subsection (a), also shall be credited to such Off-Street Parking Fund irrespective of whether such facilities are operated with or without meters.

Subject to the restrictions provided in this Section and any prior legally binding obligations, said special fund is hereby created for the purpose of financing the San Francisco Off-Street Parking Program, including, but not limited to, capital outlays for the acquiring, constructing, completing and leasing <u>of</u> public parking lots, storage space, garages, single- or multi-level structures, and other off-street parking facilities on, under, or above the surface of any property, including public parks, squares, lands, easements or rights-of-way to be acquired by purchase or condemnation, together with buildings, structures, equipment, approach roads, entrances, exits, fencing, off-street parking meters, and other works, property or structures for the accommodation of automotive vehicles, and necessary or convenient for adequate parking facilities to relieve congestion, facilitate, regulate and control traffic within the City and County of San Francisco. Said special fund may also be used to finance the cost of engineering and construction of on-street parking bays in parking meter districts in neighborhood commercial districts, by sidewalk narrowing after the appropriate legislation has been approved by the Board of Supervisors.

In the accomplishment of said purpose, the use of said monies deposited in said special fund shall be restricted to:

(a) All net revenues received by the City from the operation of the Sutter-Stockton Garage from fiscal years 1985-86 through 1989-90 inclusive, the St. Mary's Garage except for that portion dedicated to the Recreation and Park Department, Seventh and Harrison Parking Plaza and the Marshall Square Parking Plaza, shall be dedicated to the financing of public off-street parking facilities in or near neighborhood commercial districts, except that such revenues may further be used to reimburse accounts which have

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advanced funds for purposes of financing public off-street parking facilities in or near neighborhood commercial districts;

(b) All net revenues received from public off-street parking facilities financed pursuant to Subsection (a) above, shall be dedicated to the maintenance of existing and the financing of new public off-street parking facilities in or near neighborhood commercial districts;

(c) The payment of the costs of engineering and related studies and surveys;

(d) The payment of the costs, operation and maintenance of parking facilities and related structures hereafter acquired or constructed as aforesaid, including the payment of possessory interest taxes required by any agreement authorized by the Board of Supervisors;

(e) The sole pledge for the servicing of past or future indebtedness incurred by the issuance of bonds or other instruments by or on behalf of the City and County of San Francisco for the acquisition, construction and completion of off-street parking facilities;

(f) The sole additional pledge augmenting a pledge of revenue from off-street parking facilities for the servicing of past or future indebtedness incurred by the issuance of revenue bonds or other revenue instruments by or on behalf of the City and County of San Francisco for the acquisition, construction and completion of off-street parking facilities;

(g) Payment of the cost of engineering and construction of on-street parking bays in commercial and residential-commercial combined districts and in parking meter districts in neighborhood shopping districts by sidewalk narrowing and necessary related activities after any appropriate legislation has been approved by

the Board of Supervisors;

(h) Administrative expenses of the Parking Authority;

(i) Payment to the General Fund, for traffic regulation and control, of any amounts remaining in said special fund after making provision for the requirements under (a), (b), (c), (d), (e), (f), (g) and (h) hereof.

The monies in said special fund shall be set aside for the aforesaid purposes upon recommendation by the Parking Authority of the City and County of San Francisco and appropriation thereof by the Board of Supervisors pursuant to the budget and fiscal provisions of the Charter.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

---- Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 25, 1988	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Molinari Nelder Silver Walker Ward
Noes: Supervisors Maher	Noes: Supervisors Maher
	Absent: Supervisors Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
124-88-11

AUG 5 1988
Date Approved

_____
Mayor

AMENDMENT OF THE WHOLE
6/29/88

FILE NO. 127-88-12 ORDINANCE NO. 369-88

(License Fees)

AMENDING PART III, ARTICLE 2 OF THE SAN FRANCISCO MUNICIPAL CODE (MISC.)BY AMENDING SECTIONS 120, 248 AND 249.1 THERETO RELATING TO LICENSE FEES FOR LAUNDRIES AND CLEANING AND DYEING WORKS, FOOD PRODUCT AND MARKETING ESTABLISHMENTS AND FOOD PREPARATION AND SERVICE ESTABLISHMENTS RESPECTIVELY.

NOTE: Additions or substitutions are underlined; deletions are indicated by ((double parenthesis)).

Be it ordained by the people of the City & County of San Francisco:

Section 1. Part III, Article 2 of the San Francisco Municipal Code (Misc.) is hereby amended by amending Sections 120, 248 and 249.1 to read as follows:

SEC. 120. LAUNDERIES AND CLEANING AND DYEING WORKS. (a) Every owner, manager or lessee of a hand laundry will pay the following license fee annually in advance to the Tax Collector: $47.

(b) Every owner, manager or lessee of a wash laundry will pay the following license fee annually in advance to the Tax Collector: $100.

(c) Every owner, manager or lessee of a cleaning, dyeing or cleaning and dyeing works will pay the following fee annually in advance: $15.

(d) Every owner, manager or lessee of an automatic laundry (mechanical, pay-to-operate, washing or dyeing machine) will pay the following license fee annually in advance to the Tax Collector: (($14 plus $2 per machine.)) $15 plus $4 per machine.

(e) Every owner, manager or lessee of a laundry delivery service will pay the following license fee annually in advance to the Tax Collector: $15 per delivery vehicle per year.

The license fees prescribed by the Section are due and payable on a calendar basis starting January 1, 1978. Fees for new licenses issued prior to January 1, 1978, or after the first day of January in that calendar year or in any subsequent calendar year, shall be prorated to the end of such calendar year on a monthly basis.

SEC. 248 FOOD PRODUCT AND MARKETING ESTABLISHMENT. The following fee for licenses is established for persons, firms or corporations engaged in the conduct or operation of the handling, manufactureor sale of foodstuffs, annually payable in advance to the Tax Collector. Fees in Classes A and B shall be based on inventory of food at cost basis in stock as of the first day of April.

CLASS A. Inventory of $300.00 or more-Fee (($286)) $306

CLASS B. Inventory of under $300.00-Fee $46

CLASS C. Food Product and Marketing Establishment in stadiums, arenas, or auditoriums with a seating capacity of 25,000 or more-Fee (($270.00)) $357 each.

The license fees prescribed in this section are due and payable on an annual basis, starting September 1, 1983.

Fees for new licenses issued prior to September 1st, shall be prorated to September 1st, on a monthly basis.

SEC. 249.1 FOOD PREPARATION AND SERVICE ESTABLISHMENTS. Every person, firm or corporation engaged in the business of operating food preparation and service establishments that require permits from the Health Department shall pay an annual license fee to the Tax Collector as follows:

(a) Food preparation and service establishments in boarding houses: $118.

(b) Food Preparation and Service Establishments in stadiums, arenas, or auditoriums with a seating capacity of 25,000 or more: (($270)) $357 each.

(c) All other food preparation and service establishments: (($353)) $465 each. The license fees prescribed in this Section are due and payable on an annual basis commencing April 1, 1984. Fees for new licenses issued prior to, or after April 1st, shall be prorated to April 1st, on a monthly basis provided, however, that the increase in fees set forth in Ordinance

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No. (File 127-88-12) shall apply retroactively to the April 1 prior to the effective date of that ordinance and the Tax Collector shall take steps necessary to collect the increased fee from establishments governed by this subsection.

(d) Exemptions. The following establishments are exempt from paying the fees required by this section:

1. Food preparation and service establishments used exclusively by day care facilities for children are exempt from paying the fees required by this action.

For the purpose of this subsection, a "day care facility for children" shall mean a "community care facility" licensed pursuant to the provisions of Chapter 3, Division 2 of the California Health and Safety Code (commencing at Section 1500) which provides nonmedical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis, or a "family day care home for children" licensed pursuant to the provisions of Chapter 3.6, Division 2 of the California Health and Safety Code (commencing at Section 1597.50).

2. Food preparation and service establishments funded through the San Francisco Commission on Aging for nutrition projects for older individuals.

Section 2. Findings. The Board hereby finds that the cost to the City since April 1, 1988 of inspecting the food preparation and service establishments governed by Section 249.1(c) has been not less than the $465 imposed by this ordinance.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Pedro R. Salley
Deputy City Attorney

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
July 25, 1988	§	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Walker Ward	§	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
Absent: Supervisors Silver	§	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

AUG 5 1988
Date Approved

Mayor

File No.
127-88-12

FILE NO. 97-88-22.1 ORDINANCE NO. 370-88

[Employee Cafeteria Plan]

AMENDING PART I, CHAPTER XVI OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY AMENDING ARTICLE XVII BY ADDING SECTIONS 16.904 and 16.905 THERETO, TO PROVIDE FOR THE APPROVAL OF VOLUNTARY EMPLOYEE-SPONSORED BENEFITS AND CAFETERIA PLAN BENEFITS.

Note: Additions or substitutions are underlined; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part I, Chapter XVI of the San Francisco Municipal Code (Administrative Code) is hereby amended by amending Article XVII by adding Sections 16.904 and 16.905 to read as follows:

Section 16.900. ESTABLISHMENT OF A CAFETERIA PLAN. The Health Service Board may establish an employee cafeteria plan as provided and regulated under Section 125 of Title 26 of the United States Internal Revenue Code.

Section 16.901. PURPOSE. The purpose of this plan is to extend to employees of the City and County of San Francisco, San Francisco Unified School District and the San Francisco Community College District those types of benefits that ordinarily accrue from participation in a cafeteria plan. The City and County of San Francisco does not and cannot represent or guarantee that any particular federal or state income, payroll or other tax consequence will occur by reason of an employee's participation in this plan. The participant should consult with his or her own attorney or other representative regarding all tax consequences of participation in this plan.

Section 16.902. ADMINISTRATION BY THE HEALTH SERVICE BOARD. The cafeteria plan established pursuant to this Article may be administered by the Health Service Board which may prescribe such forms, and adopt such rules and regulations as are necessary to carry out the purpose of the plan. The Health Service Board may contract with a financially responsible independent contractor to administer and coordinate the plan.

Section 16.903. NO COST TO CITY AND COUNTY. The Health Service Board may request the City and County of San Francisco to advance funds to finance start-up costs to implement the cafeteria plan. The Board of Supervisors will consider such an advance provided that the Health Service Board demonstrates that these start-up costs will be recovered by the City through a reduction in the City's Federal Insurance Contributions Act tax obligations. Thereafter, except as provided in San Francisco Charter Section 8.423, this cafeteria plan shall be administered free of direct cost to, or appropriation by, the City and County of San Francisco. Except as herein provided, all such costs shall be borne by the participants or by any plan administrator appointed hereunder, except to the extent that any subsequent ordinance or appropriation might provide expressly to the contrary.

Section 16.904. VOLUNTARY EMPLOYEE BENEFITS. The adoption of voluntary employee-sponsored benefits, to be offered only as benefits in the employee cafeteria plan as provided and regulated under Section 125 of Title 26 of the United States Internal Revenue Code ("Section 125"), consisting of Colonial Life & Accident Ins. Co. Indemnity Dental Plan, DentiCare Prepaid

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Dental Plan, and Colonial Life & Accident Ins. Co. Disability Benefit Plan by the Health Service Board and which are on file with the Clerk of the Board of Supervisors, are hereby approved. The cost of the premiums of the employee-sponsored benefits set forth in this section shall be borne entirely by the employee with no employer contribution. Based upon individual authorized deductions, the Controller is hereby authorized to deduct and collect monies from the salaries or wages of employees of the City and County of San Francisco and the San Francisco Community College District in accordance with San Francisco Administrative Code Section 16.91 and 16.92. Pursuant to Section 125, this voluntary authorized deduction shall not be revocable by the employee during the cafeteria plan year unless the revocation and new election are in conformance with Section 125. This section shall be effective upon implementation of the employee cafeteria plan by the Health Service Board.

Section 16.905. CAFETERIA PLAN BENEFITS. The Board of Supervisors hereby approves the inclusion of the following benefits set forth in this section in the employee cafeteria plan as provided and regulated under Section 125 of Title 26 of the United States Internal Revenue Code: City Health Plan, Kaiser Foundation Health Plan, Children's Hospital Health Plan, French Hospital Health Plan, Bay Pacific Health Plan, Heals Health Plan,

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Maxicare Health Plan, Colonial Life & Accident Ins. Co. Indemnity Dental Plan, DentiCare Prepaid Dental Plan, Safeguard Prepaid Dental Plan, and Colonial Life & Accident Ins. Co. Disability Benefit Plan. This section shall be effective upon implementation of the employee cafeteria plan by the Health Service Board.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Rose McSally
Deputy City Attorney

2458g

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 1, 1988	August 8, 1988
Ayes: Supervisors Gonzalez Hongisto Hsieh Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker
Absent: Supervisors Britt Kennedy	Absent: Supervisors Gonzalez Nelder Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Mary Rose Bulen
Acting Clerk

File No.
97-88-22.1

AUG 10 1988
Date Approved

Mayor

FILE NO. 189-88-3 ORDINANCE NO. 371-88

(TERMINAL REVENUE SHARING AGREEMENT)

APPROVING THE TERMINAL REVENUE SHARING AGREEMENT BETWEEN ASSOCIATED CONTAINER TRANSPORTATION (USA), BLUE STAR LINE, INC., COLUMBUS LINE, INC. AND THE CITY AND COUNTY OF SAN FRANCISCO ACTING BY AND THROUGH THE SAN FRANCISCO PORT COMMISSION.

Be it ordained by the People of the City and County of San Francisco:

Section 1: Pursuant to Section 7.402-1 of the Charter, the Board of Supervisors hereby approves the Terminal Revenue Sharing Agreement between Associated Container Transportation (USA), Blue Star Line, Inc., Columbus Line, Inc. and the City and County of San Francisco acting by and through the San Francisco Port Commission.

A copy of said amendment is contained in the Board of Supervisors file number 189-88-3.

Approved as to form:

LOUISE RENNE, City Attorney

By _____

Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
August 1, 1988	§	August 8, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Maher Molinari Nelder Silver Walker Ward	§	Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker
Absent: Supervisors Kennedy	§	Absent: Supervisors Gonzalez Nelder Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Mary Anne Burke
ACTING Clerk

File No.
189-88-3

AUG 10 1988
Date Approved

Mayor

FILE NO. 97-87-78 ORDINANCE NO. 372-88

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING CHAPTER 56 THERETO, TO AUTHORIZE DEVELOPMENT AGREEMENTS.

Note: This chapter is new.

Be it ordained by the People of the City and County of San Francisco:

Sec. 1. The San Francisco Administrative Code is hereby amended by adding Chapter 56 thereto to read as follows:

CHAPTER 56

DEVELOPMENT AGREEMENTS

Section 56.1. Findings.

The Board of Supervisors ("Board") concurs with the State Legislature in finding that:

(a) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning and development of infrastructure and public facilities which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the applicant/developer for a development project that upon approval of the project, the applicant/developer may proceed with the project in accordance with specified policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

Sec. 56.2. Purpose and Applicability.

(a) The purpose of this chapter is to strengthen the public planning process by encouraging private participation in the achievement of comprehensive planning goals and reducing the economic costs of development. A development agreement reduces the risks associated with development, thereby enhancing the City's ability to obtain public benefits beyond those achievable through existing ordinances and regulations. To accomplish this purpose the procedures, requirements and other provisions of this chapter are necessary to promote orderly growth and development (such as, where applicable and appropriate, provision of housing, employment and small business opportunities to all segments of the community, including low income persons, minorities and women,) to ensure provision for adequate public services and facilities at the least economic cost to the public, and to ensure community participation in determining an equitable distribution of the benefits and costs associated with development.

(b) Such agreements shall only be used for (1) affordable housing developments or (2) large multi-phase and/or mixed-use developments involving public improvements, services, or facilities installations, requiring several years to complete, as defined below in Section 56.3.

Sec. 56.3. Definitions.

The following definitions shall apply for purposes of this Chapter:

(a) "Affordable housing development" shall mean for purposes of Section 56.2(b)(1), any housing development which has a minimum of 30 percent of its units affordable to low income households, and a total of 60 percent of its units affordable to households, as defined by the U.S. Census, whose immediate household income does not exceed 120 percent of the median household income for the San Francisco Primary Metropolitan

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Statistical Area, with the remaining 40 percent of its units unrestricted as to affordability. For purposes of this definition of "affordable housing development," "low income" shall mean the income of households, as defined by the U.S. Census whose immediate household income does not exceed 80 percent of the median household income for the San Francisco Primary Metropolitan Statistical Area. "Median household income" for the San Francisco Primary Metropolitan Statistical Area shall be as determined by the U.S. Department of Housing and Urban Development and adjusted according to the determination of that Department and published from time to time. In the event that such income determinations are no longer published by the Department of Housing and Urban Development, median household income shall mean the median gross yearly income of a household in the City and County of San Francisco, adjusted for household size, as published periodically by the California Department of Housing and Community Development. Such affordable housing development may include neighborhood commercial facilities which are physically and financially an integral part of the affordable housing project and which will provide services to local residents.

(b) "Applicant/Developer" shall mean a person or entity who has legal or equitable interest in the real property which is the subject of the proposed or executed development agreement for an "affordable housing development" or a "large multi-phase and/or mixed-use development," as those terms are defined herein, or such person's or entity's authorized agent or successor in interest; provided, however, that an entity which is subject to the requirements of City Planning Code Section 304.5 relating to

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institutional master plans does not qualify as an applicant for a development agreement.

(c) "Collateral agreement" shall mean a written contract entered into by the applicant/developer and/or governmental agencies with other entities (including, but not limited to, community coalitions) for the purpose of having said entities provide for and implement social, economic, or environmental benefits or programs; provided, however, that such term does not include agreements between the applicant/developer or governmental agencies and (1) construction contractors and subcontractors, (2) construction managers, (3) material suppliers, and (4) architects, engineers, and lawyers for customary architectural, engineering or legal services.

(d) "Commission" shall mean the City Planning Commission.

(e) "Director" shall mean Director of Planning.

(f) "Large multi-phase and/or mixed-use development" shall mean a proposed development project which: (1) is on a site which exceeds five (5) acres in area, (2) includes two or more buildings to be constructed sequentially on the site, and (3) includes a proposal for constructing or participating in providing, either off-site or on-site, public improvements, facilities, or services beyond those achievable through existing ordinances and regulations.

(g) "Material modification" shall mean any proposed amendment or modification to either a proposed development agreement approved by the Commission, or a previously executed development agreement, which amendment or modification is otherwise required by the terms of the development agreement, which changes any provision thereof regarding the following: (1) duration of the agreement; (2) permitted uses of the subject

property; (3) density or intensity of the permitted uses; (4) location, height or size of any structures, buildings, or major features; (5) reservation or dedication of land, (6) any conditions, terms, restrictions and requirements relating to subsequent discretionary actions as to design, improvements, construction standards and specifications; (7) any other condition or covenant relating to the financing or phasing of the development which substantially modifies the use of the property, the phasing of the development, or the consideration exchanged between the parties as recited in the proposed development agreement; (8) the type, number, affordability level, and/or tenure of any proposed affordable housing as well as any change as to performance of such public benefits, including but not limited to timing, phasing, method of performance or parties involved; or (9) any other terms or conditions of the Development Agreement if the Development Agreement provides that amendment of said specified term or condition would be a material modification.

(h) "Minor modification" shall mean any amendment or modification to the development agreement which relates to any provision not deemed to be a "material modification."

Sec. 56.4. Filing of Application; Forms; Initial Notice and Hearing.

(a) The Director may prescribe the form of the application for the preparation and implementation of development agreements.

(b) The applicant must list on the application the anticipated public benefits which would exceed those required by existing ordinances and regulations. The public benefits ultimately provided by an approved development agreement may differ from those initially identified by the applicant/developer. The Director may require an applicant/developer to submit such

additional information and supporting data as the Director considers necessary to process the application; provided, however, that the Director shall not require the applicant/developer to submit, as part of the application, special studies or analyses which the Director would customarily obtain through the environmental review process.

(c) The Director shall endorse the application the date it is received. If the Director finds that the application is complete, the Director shall (1) accept the application for filing, (2) publish notice in the official newspaper of acceptance of said application, (3) make the application publicly available, and (4) schedule a public hearing before the Commission within thirty (30) days - following receipt of a completed application. At said public hearing, the Director shall make a recommendation with respect to the fee to be paid by the applicant/developer as set forth in Section 56.20(b).

Sec. 56.5. Form of Agreement

A proposed development agreement and any modifications or amendments thereto, must be approved as to form by the City Attorney prior to any action by the Director, Commission or Board of Supervisors.

Sec. 56.6. Signatories to the Development Agreement.

(a) Applicant. Only an applicant/developer, as that term is defined in Section 56.3, may file an application to enter into a development agreement.

(b) Governmental Agencies. In addition to the City and County of San Francisco and the applicant/developer, any federal, state or local governmental agency or body may be included as a party or signatory to any development agreement.

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Sec. 56.7. Contents of Development Agreement.

(a) Mandatory Contents.

A development agreement, by its express terms or by reference to other documents, shall specify (1) the duration of the agreement, (2) the permitted uses of the property, (3) the density or intensity of use, (4) the maximum height and size of proposed buildings, (5) the provisions for reservation or dedication of land for public purposes, (6) for any project proposing housing, the number, type, affordability and tenure of such housing, (7) the public benefits which would exceed those required by existing ordinances and regulations; and (8) nondiscrimination and affirmative action provisions as provided in subsection (c) below.

(b) Permitted Contents.

The development agreement may (1) include conditions, terms, restrictions, and requirements for subsequent discretionary actions, (2) provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time, (3) include terms and conditions relating to applicant/developer and/or City financing of necessary public facilities and subsequent reimbursement by other private party beneficiaries, (4) require compliance with specified terms or conditions of any collateral agreements pursuant to Section 56.11, and (5) include any other terms or conditions deemed appropriate in light of the facts and circumstances.

(c) Nondiscrimination/Affirmative Action Requirements.

(1) Nondiscrimination Provisions of the Development Agreement. The development agreement shall include provisions obligating the applicant/developer not to

discriminate on the grounds, or because of, race, color, creed, national origin, ancestry, age, sex, sexual orientation, disability or Acquired Immune Deficiency Syndrome or AIDS Related Condition (AIDS/ARC), against any employee of, or applicant for employment with the applicant/developer or against any bidder or contractor for public works or improvements, or for a franchise, concession or lease of property, or for goods or services or supplies to be purchased by applicant/developer. The development agreement shall require that a similar provision be included in all subordinate agreements let, awarded, negotiated or entered into by the applicant/developer for the purpose of implementing the development agreement.

(2) Affirmative Action Program. The development agreement shall include a detailed affirmative action and employment and training program (including without limitation, programs relating to women, minority and locally-owned business enterprises), containing goals and timetables and a program for implementation of the affirmative action program. For example, programs such as the following may be included:

(i) Apprenticeship where approved programs are functioning, and other on the job training for a nonapprenticeable occupation;

(ii) Classroom preparation for the job when not apprenticeable;

(iii) Preapprenticeship education and preparation;

(iv) Upgrading training and opportunities;

(v) The entry of qualified women and minority journeymen into the industry; and

(vi) Encouraging the use of contractors, subcontractors and suppliers of all ethnic groups, and encouraging the full and equitable participation of minority and women business enterprises and local businesses (as defined in Section 12D of this Code and implementing regulations) in the provision of goods and services on a contractual basis.

(3) Reporting and Monitoring. The development agreement shall specify a reporting and monitoring process to ensure compliance with the nondiscrimination and affirmative action requirements. The reporting and monitoring process shall include, but not be limited to, requirements that:

(i) a compliance monitor who is not an agent or employee of the applicant/developer be designated to report to the Director regarding the applicant/developer's compliance with the nondiscrimination and affirmative action requirements;

(ii) the applicant/developer permit the compliance monitor or the Director or his designee reasonable access to pertinent employment and contracting records, and other pertinent data and records, as specified in the Development Agreement for the purpose of ascertaining compliance with the nondiscrimination and affirmative action provisions of the development agreement;

(iii) the applicant/developer annually file a compliance report with the compliance monitor and the Director detailing performance pursuant to its affirmative action program, and the compliance monitor

annually reports its findings to the Director; such reports shall be included in and subject to the periodic review procedure set forth in Sec. 56.17.

Sec. 56.8. Notice.

The Director shall give notice of intention to consider adoption, amendment, modification, or termination of a development agreement for each public hearing required to be held by the Commission under this Chapter. The Clerk of the Board of Supervisors shall give such notice for each public hearing required to be held by the Board of Supervisors. Such notices shall be in addition to any other notice as may be required by law for other actions to be considered concurrently with the development agreement.

(a) Form of Notice.

(1) The time and place of the hearing;

(2) A general summary of the terms of the proposed development agreement or amendment to be considered including, a general description of the area affected, and the public benefits to be provided; and

(3) Other information which the Director, or Clerk of the Board of Supervisors, considers necessary or desirable.

(b) Time and Manner of Notice.

(1) Publication and Mailing. Notice of hearing shall be provided in the same manner as that required in City Planning Code Section 306.3 for amendments to that Code which would reclassify land; where mailed notice is otherwise required by law, notice shall be included on the next Commission calendar to be mailed following the date of publication of notice in the official newspaper.

(2) Notice to Local Agencies. Notice of the hearing

shall also be mailed at least ten (10) days prior to the hearing to any local public agency expected to provide water, transit, sewage, streets, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected by the development agreement.

(c) Failure to Receive Notice. The failure of any person to receive notice required by law does not affect the authority of the City and County of San Francisco to enter into a development agreement.

Sec. 56.9. Rules Governing Conduct of Hearing.

The Commission's public hearing on the proposed development agreement shall be conducted in accordance with the procedure for the conduct of reclassification hearings as provided in subsections (b) and (c) of Section 306.4 of the City Planning Code. Such public hearing on the proposed development agreement shall be held prior to or concurrently with the public hearing for consideration of any other Commission action deemed necessary to the approval or implementation of the proposed development agreement, unless the Commission determines, after a duly noticed public hearing pursuant to Section 56.8, that proceeding in a different manner would further the public interest; provided, however, that any required action under the California Environmental Quality Act shall not be affected by this Section.

Sec. 56.10. Development Agreement Negotiation Report and Documents.

(a) Report.

The Director shall prepare a report on development agreement negotiations between the applicant and the City and County of San Francisco (City), which report shall be distributed

to the Commission and the Board of Supervisors, and shall be available for public review twenty (20) days prior to the first public hearing on the proposed development agreement. Said report shall include, for each negotiation session between the applicant and the City: (1) an attendance list; (2) a summary of the topics discussed; and (3) a notation as to any terms and conditions of the development agreement agreed upon between the applicant and the City.

(b) Documents.

The Director shall (1) maintain a file containing documents exchanged between the applicant/developer and the City's executive offices and departments; and (2) endeavor to obtain copies and maintain a list of all correspondence which executive offices and departments received from and sent to the public relating to the development agreement. The Director shall make said documents and the correspondence list available for public review twenty (20) days prior to the first public hearing on the proposed development agreement.

(c) Update of Report, Documents, and Correspondence List.

The Director shall update the negotiation session report and the correspondence list, and continue to maintain a file of documents exchanged between the applicant/developer and the City until a development agreement is finally approved. The Director shall make the updated report, correspondence list, and documents available to the public at least five working days before each public hearing on the proposed development agreement.

(d) Remedies.

No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity,

informality, neglect or omission ("error") which may occur with respect to City compliance with this Section 56.10. This section is not intended to affect rights and remedies with respect to public records otherwise provided by law.

Sec. 56.11. Collateral Agreements.

(a) Filing. In order to qualify for consideration under the provisions of this section, the party to the collateral agreement seeking such consideration must: (1) submit a copy of the executed collateral agreement to the Director, (2) identify the specific terms and conditions of said collateral agreement which said party believes are necessary to achieve the public purposes sought to be achieved by the City and County through the development agreement process, and (3) provide contemporaneous notice to any other party or parties to the collateral agreement or the development agreement that a request for consideration pursuant to this section was filed. The Director shall forward copies of all collateral agreements received to the City Attorney's Office for review.

(b) Recommendation of the Director Prior to the First Public Hearing on the Proposed Development Agreement.

(1) The Director is obligated to consider and make a recommendation only as to those collateral agreements which satisfy the provisions of Section 56.11(a) above, and which are received by the Director within seven (7) days after the date of publication of notice of the first hearing on the proposed development agreement. The Director shall consider those collateral agreements which are on the list provided pursuant to Section 56.11(d) below.

(2) With respect to collateral agreements received pursuant to the provisions set forth above, the Director

shall prepare a report to the Commission on said collateral agreements. If the Director finds that applicant compliance with certain specified terms or conditions of said collateral agreements is necessary to achieve the public purposes sought by the City through the development agreement process, then the Director shall recommend that such terms or conditions be incorporated into the proposed development agreement. If the Director recommends incorporation into the development agreement of any terms or conditions of any collateral agreements, then the Director's report shall also note whether the other party or parties to the collateral agreement or proposed development agreement objects, and the basis for that objection.

(3) The provisions of this Section are not intended to limit the power of the Commission or the Board to amend the proposed development agreement to incorporate terms or conditions of collateral agreements.

(c) Annual Recommendation of the Director. After execution of a development agreement,

(1) The Director shall consider and make a recommendation as to those collateral agreements which satisfy the provisions of Section 56.11(a) above, and which are received thirty days (30) prior to the date scheduled for periodic review, as determined pursuant to Section 56.17(a). The Director shall consider those collateral agreements which are on the list provided pursuant to Section 56.11(d) below.

(2) With respect to collateral agreements received pursuant to the provisions set forth above, the Director

shall prepare a report to the Commission on said collateral agreements. The Director shall also consult with the applicant/developer concerning said collateral agreements. If the Director finds that applicant/developer compliance with certain specified terms or conditions of said collateral agreements would substantially further attainment of the public purposes which were recited as inducement for entering into the development agreement, then the Director shall recommend that the Commission propose an amendment to the development agreement to incorporate said terms and conditions. If the Director recommends proposal of an amendment to incorporate into the development agreement specified terms or conditions of any collateral agreements, then the Director's report shall also note whether the other party or parties to the collateral agreement or development agreement objects, and the basis for that objection.

(d) Applicant/Developer Disclosure of Collateral Agreements.

(1) At least twenty-one (21) days prior to the first hearing on the proposed development agreement, the applicant/developer shall provide the Director, for the Director's consideration, a list of all collateral agreements as defined in Section 56.3(c) that have been entered into by the applicant/developer.

(2) At least thirty days (30) prior to the date scheduled for periodic review pursuant to Section 56.17(a), the applicant/developer shall provide the Director, for the Director's consideration an update to the list prepared pursuant to subsection (d)(1) above, or any previous list

prepared pursuant to this subsection (d)(2), as applicable identifying all such collateral agreements entered into subsequent to the date of the first list, or, subsequent updates, as appropriate.

Sec. 56.12. Irregularity in Proceedings.

No action, inaction or recommendation regarding the proposed development agreement or any proposed amendment shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to the application, notice, finding, record, hearing, report, summary, recommendation, or any matters of procedure whatever unless after an examination of the entire record, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted if error is shown.

Sec. 56.13. Determination by Commission.

(a) Public Hearing. The Commission shall hold a public hearing to consider and act on a proposed development agreement after providing notice as required under Section 56.8.

(b) Recommendations to Board of Supervisors. Following the public hearing, the Commission may approve or disapprove the proposed development agreement, or may modify the proposed development agreement as it determines appropriate. The Commission shall make its final recommendation to the Board of Supervisors which shall include the Commission's determination of whether the development agreement proposed is consistent with the objectives, policies, general land uses and programs specified in

the general plan and any applicable area or specific plan, and the priority policies enumerated in City Planning Code Section 101.1. The decision of the Commission shall be rendered within ninety (90) days from the date of conclusion of the hearing; failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval.

Sec. 56.14. Decision by Board of Supervisors.

(a) Action by Board of Supervisors. The Board of Supervisors shall hold a public hearing on the proposed development agreement approved by the Commission. After the Board of Supervisors completes its public hearing, it may approve or disapprove the proposed development agreement recommended by the Commission. If the Commission disapproves the proposed development agreement, that decision shall be final unless the applicant/developer appeals the Commission's determination to the Board of Supervisors. The applicant/developer may appeal by filing a letter with the Clerk of the Board of Supervisors within ten (10) days following the Commission's disapproval of the proposed development agreement. The procedures for the Board's hearing and decision shall be the same as those set forth in City Planning Code Sections 308.1(c) and 308.1(d) with respect to an appeal of a Commission disapproval of a City Planning Code amendment initiated by application of one or more interested property owners.

(b) Material Modification of the Commission's Recommended Development Agreement. The Board of Supervisors may adopt a motion proposing a material modification to a development agreement recommended by the Commission, as defined in Section 56.3 herein. In such event, the material modification must be referred back to the Commission for report and recommendation

pursuant to the provisions of subdivision (c) below. However, if the Commission previously considered and specifically rejected the proposed material modification, then such modification need not be referred back to the Commission. The Board of Supervisors may adopt any minor modification to the proposed development agreement approved by the Commission which it determines appropriate without referring the proposal back to the Commission.

(c) Consideration of Material Modification By The Commission. The Commission shall hold a public hearing and render a decision on any proposed material modification forwarded to the Commission by motion of the Board within ninety (90) days from the date of referral of the proposed modification by the Board to the Commission; provided, however, if the Commission has not acted upon and returned the proposed material modification within such ninety (90) day period, the proposal shall be deemed disapproved by the Commission unless the Board, by resolution, extends the prescribed time within which the Commission is to render its decision.

(d) Effect of Commission Action on Proposed Material Modification. The Board of Supervisors shall hold public hearing to consider the Commission's action on the proposed material modification. If the Commission approves the Board's proposed material modification, the Board may adopt the modification to the agreement by majority vote. If the Commission disapproves the Board's proposed material modification, or has previously specifically rejected the proposed material modification, then the Board may adopt the material modification to the development agreement by a majority vote, unless said modification would reclassify property or would establish, abolish, or modify a setback line, in which case the modification may be adopted by

the Board only by a vote of not less than two-thirds of all of the members of said Board.

(e) Consistency with General and Specific Plans. The Board of Supervisors may not approve the development agreement unless it receives the Commission's determination that the agreement is consistent with the general plan, any applicable area or specific plan and the Priority Policies enumerated in City Planning Section 101.1.

(f) Approval of Development Agreement. If the Board of Supervisors approves the development agreement, it shall do so by the adoption of an ordinance. The Board of Supervisors may not vote on the development agreement ordinance on second reading unless the final version of the development agreement ordinance is available for public review at least two working days prior to the second reading. The development agreement shall take effect upon its execution by all parties following the effective date of the ordinance.

Sec. 56.15. Amendment and Cancellation of an Executed Development Agreement by Mutual Consent.

(a) The development agreement may further define the extent to which changes in the project will require an amendment to the development agreement.

(b) Either the applicant/developer or the City and County may propose an amendment to, or cancellation in whole or in part of, any development agreement. Any amendment or cancellation shall be by mutual consent of the parties, except as otherwise provided in the development agreement or in Section 56.16.

(c) The procedure for proposing and adopting an amendment which constitutes (1) a material modification, (2) the cancelling in whole or in part of the development agreement, or (3) a minor

modification which the Commission or Board has requested to review pursuant to subsection (d) below, shall be the same as the procedure for entering into an agreement in the first instance, including, but not limited to, the procedures described in Section 56.4, above.

(d) Any proposed amendment or modification to the development agreement which would constitute a minor modification shall not require a noticed public hearing before the parties may execute an amendment to the agreement. The Director may commit to a minor modification on behalf of the City if the following conditions are satisfied:

(1) The Director has reached agreement with the other party or parties to the development agreement regarding the modification;

(2) The Director has: (i) notified the Commission and the Board; (ii) caused notice of the amendment to be published in the official newspaper and included on the Commission calendar; (iii) caused notice to be mailed to the parties to a collateral agreement if specific terms or conditions of said collateral agreement were incorporated into the development agreement and said terms or conditions would be modified by said minor modification; and (iv) caused notice to be mailed to persons who request to be so notified; and

(3) No member of either the Board or Commission has requested an opportunity to review and consider the minor modification within fourteen days following receipt of the Director's notice. Upon expiration of the fourteen day period, in the event that neither entity requests a hearing, the decision of the Director shall be final.

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Sec. 56.16. Recordation of Development Agreements Amendment or Cancellation.

(a) Within ten (10) days after the execution of the development agreement, or any amendments thereto, the Clerk of the Board of Supervisors shall have the agreement recorded with the County Recorder.

(b) If the parties to the agreement or their successors in interest amend or cancel the agreement as provided herein, or if the Board of Supervisors terminates or modifies the agreement as provided herein for failure of the applicant/developer to comply in good faith with the terms or conditions of the agreement, the Clerk of the Board of Supervisors shall have notice of such action recorded with the County Recorder.

Sec. 56.17. Periodic Review.

(a) Time for and Initiation of Review. The Director shall conduct a review in order to ascertain whether the applicant/developer has in good faith complied with the development agreement, which review shall occur every twelve (12) months from the effective date of the development agreement ordinance. The applicant/developer shall provide the Director with such information as is necessary for purposes of the compliance review.

Prior to commencing review, the Director shall provide written notification to any party to a collateral agreement which the Director is aware of pursuant to Sections 56.11(a) and (d), above. Said notice shall summarize the periodic review process, advising recipients of the opportunity to provide information regarding compliance with the development agreement. Upon request, the Director shall make reasonable attempts to consult with any party to a collateral agreement if specified terms and conditions of said agreement have been incorporated into the

development agreement. Any report submitted to the Director by any party to a collateral agreement, if the terms or conditions of said collateral agreement have been incorporated into the development agreement, shall be transmitted to the Commission and/or Board of Supervisors.

(b) Finding of Compliance by Director. If the Director finds on the basis of substantial evidence, that the applicant/developer has complied in good faith with the terms and conditions of the agreement, the Director shall notify the Commission and the Board of Supervisors of such determination, and shall at the same time cause notice of the determination to be published in the official newspaper and included on the Commission calendar. If any member of the Commission or the Board of Supervisors fails to request a public hearing to review the Director's determination within fourteen (14) days of receipt of the Director's notice, the Director's determination shall be final. In such event, the Director shall issue a certificate of compliance, which shall be in recordable form and may be recorded by the Developer in the official records. The issuance of a certificate of compliance by the Director shall conclude the review for the applicable period.

(c) Public Hearing Required. If the Director determines on the basis of substantial evidence that the applicant/developer has not complied in good faith with the terms and conditions of the development agreement, or otherwise determines that the public interest would be served by further review, or if a member of the Commission or Board of Supervisors requests further review pursuant to subsection (b) above, the Director shall make a report to the Commission which shall conduct a public hearing on the matter. Any such public hearing must be held no sooner than

thirty (30) days, and no later than sixty (60) days, after the Commission has received the Director's report. The Director shall provide to the applicant/developer (1) written notice of the public hearing scheduled before the Commission at least thirty (30) days prior to the date of the hearing, and (2) a copy of the Director's report to the Commission on the date the report is issued.

(d) Findings Upon Public Hearing. At the public hearing, the applicant/developer must demonstrate good faith compliance with the terms of the development agreement. The Commission shall determine upon the basis of substantial evidence whether the applicant/developer has complied in good faith with the terms of the development agreement.

(e) Finding of Compliance by Commission. If the Commission after a hearing, determines on the basis of substantial evidence that the applicant/developer has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded. The Commission shall instruct the Director to issue a certificate of compliance, which shall be in recordable form and may be recorded by the applicant/developer in the official records. Such determination shall be reported to the Board of Supervisors.

(f) Finding of Failure of Compliance. If the Commission after a public hearing determines on the basis of substantial evidence that the applicant/developer has not complied in good faith with the terms and conditions of the agreement during the period under review, the Commission shall either (1) extend the time for compliance upon a showing of good cause; or (2) shall initiate proceedings to modify or terminate the agreement

pursuant to Section 56.18.

Sec. 56.18. Modification or Termination.

(a) If the Commission, upon a finding pursuant to subdivision (f) of Section 56.17, determines that modification of the agreement is appropriate or that the agreement should be terminated, the Commission shall notify the applicant/developer in writing thirty (30) days prior to any public hearing by the Board of Supervisors on the Commission's recommendations.

(b) Modification or Termination. If the Commission, upon a finding pursuant to Subdivision (f) of Section 56.17, approves and recommends a modification or termination of the agreement, the Board of Supervisors shall hold a public hearing to consider and determine whether to adopt the Commission recommendation. The procedures governing Board action shall be the same as those applicable to the initial adoption of a development agreement; provided, however, that consent of the applicant/developer is not required for termination under this section.

Sec. 56.19. Limitation on Actions.

(a) Any decision of the Board pursuant to this Chapter shall be final. Any court action or proceeding to attack, review, set aside, void or annul any final decision or determination by the Board shall be commenced within ninety (90) days after (1) the date such decision or determination is final or, (2) when acting by ordinance, after the ordinance is signed by the Mayor, or is otherwise finally approved.

(b) Any court action or proceeding to attack, review, set aside, void or annul any final decision or determination by (1) the Director pursuant to Section 56.15(d)(iii), or (2) the Commission pursuant to Section 56.17(e) shall be commenced within ninety (90) days after said decision is final.

Sec. 56.20. Fee.

In order to defray the cost to the City and County of San Francisco of preparing, adopting, and amending a development agreement, a fee shall be charged and collected in accord with the procedures prescribed below:

(a) Cost Estimate and Application Report. The reasonable costs to the various departments of the City and County of San Francisco including, but not limited to, the Department of City Planning, the Department of Public Works, the Mayor's Office of Housing and Economic Development, the Real Estate Department and the City Attorney's Office for staff time, necessary consultant services and associated costs of materials and administration will vary according to the size and complexity of the project. Accordingly, upon receipt of an application for a development agreement, the Department of City Planning, after consultation with the applicant/developer, any other parties identified in the application as parties to the proposed development agreement, and the affected City and County departments, shall prepare an estimated budget of the reasonable costs to be incurred by the City and County (1) in the preparation and adoption of the proposed development agreement, and (2) in the preparation of related documents where the costs incurred are not fully funded through other City fees or funds; provided, however, that if the projected time schedule exceeds one year, then the estimated budget shall be prepared for the initial 12-month period only, and the estimated budgets for any subsequent 12-month time periods shall be prepared prior to the end of the prior 12-month period.

The Director shall also prepare a report for the Commission and Board describing the application, the anticipated public

benefits listed in the application pursuant to Section 56.4(b), and the projected time schedule for development agreement negotiations.

(b) Commission and Board of Supervisors Consideration. The Commission shall recommend to the Board of Supervisors that a fee be imposed of a specified amount after reviewing the cost estimate prepared by the Director and conducting a public hearing pursuant to Section 56.4(c). If the Board of Supervisors approves the fee amount by resolution, the fee shall be paid within thirty days after the effective date of the resolution. The fee shall be paid in a single installment or, at the discretion of the Director in four equal installments, payable periodically over the estimated time frame for which the estimated budget has been prepared, with the first installment due within thirty days after the effective date of the fee resolution.

(c) Deposit. The applicant/developer may prepay up to fifty (50) percent of the amount of the fee (as calculated in the Director's estimated budget) into a Development Agreement Fund established for that purpose to enable the affected City Departments and agencies to begin work on the application. Such funds shall be deemed appropriated for the purposes identified in the cost estimate, and shall be credited against the final fee amount specified in the fee resolution if such resolution is ultimately adopted by the Board of Supervisors. If the Board fails to adopt such fee resolution, then the Controller shall return any prepaid funds remaining unexpended or unobligated to the applicant/developer. If the Board approves a fee amount which is less than the amount which the applicant/developer pre-paid, then the Controller shall return that portion of the

difference between the fee amount and the pre-paid funds which remains unexpended or unobligated to the applicant/developer.

(d) Development Agreement Fund. There is hereby created a Development Agreement Fund wherein all funds received under the provisions of this Section shall be deposited. All expenditures from the Fund shall be for purposes of reviewing the application for, or proposed material modification to, a development agreement and preparing the documents necessary to the approval of the development agreement, or a material modification thereto. Up to fifty (50) percent of the annual cost estimate is hereby deemed appropriated for such purposes if the applicant/developer chooses to prepay such amount pursuant to subsection (c) above. All other funds are subject to the budget and fiscal powers of the Board of Supervisors. Interest earned on such amounts deposited in said Fund shall accrue to the Fund for the purposes set forth herein. Upon the execution of a development agreement, or withdrawal by an applicant/developer of its application, any unexpended or unobligated portion of the fee paid by the applicant/developer shall be returned to the applicant/developer.

(e) Waiver for Affordable Housing. The Board of Supervisors may, by resolution, waive all or a portion of the fee required pursuant to this section for affordable housing developments, as that term is defined in Section 56.3, only if it finds that such waiver is necessary to achieve such affordable housing development.

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(f) Other fees. Payment of fees charged under this section does not waive the fee requirements of other ordinances. The fee provisions set forth herein are not intended to address fees or funding for parties to collateral agreements.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By Judith A. Boggian
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
July 25, 1988	§	August 1, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker	§	Ayes: Supervisors Gonzalez Hsieh Maher Molinari Nelder Walker Ward
Absent: Supervisors Ward	§	Absent: Supervisors Britt Hongisto Kennedy Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
97-87-78

AUG 1 1988
Date Approved

Mayor

FILE NO. 82-88-10 ORDINANCE NO. 573-88

(Grant of Easement)

AUTHORIZING GRANT OF AN 1100 SQUARE FOOT EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY FOR INSTALLATION OF AN UNDERGROUND ELECTRIC LINE CROSSING HETCH HETCHY PARCEL NO.614 IN STANISLAUS COUNTY.

Be It Ordained by the People of the City and County of San Francisco:

SECTION 1. In accordance with Public Utilities Commission Resolution No.87-0325, the Board of Supervisors hereby grants easement rights over a portion of Hetch Hetchy Parcel No. 614 in Stanslaus County for installation of a 17KV underground electric line.

SECTION 2. The subject easement is shown outlined in red on P.G.& E. Drawing No. A-2-11-20-S, dated August 11, 1986, a copy of which is on file with the Clerk of the Board of Supervisors.

SECTION 3. Said easement rights to be acquired by Pacific Gas & Electric Company are not required by the City and County of San Francisco for municipal purposes and their sale will not affect the Master Plan.

SECTION 4. Pacific Gas and Electric Company has offered to acquire said easement rights for $2500. The Director of Property has determined the offer represents the fair market value for the easement being conveyed. The Director of Property has also determined that said easement is of use only to Pacific Gas and Electric Company, and as such, recommends a direct sale.

SECTION 5. The offer is hereby accepted and the Mayor and the Clerk of the Board of Supervisors are authorized to execute the easement deed conveying the easement to Pacific Gas and Electric Company, a California Corporation.

RECOMMENDED:

Director of Property

General Manager, Hetch Hetchy

General Manager, PUC
Pursuant to PUC Res. No.87-0325

APPROVED AS TO FORM
LOUISE H. RENNE, City Attorney

by
Deputy City Attorney

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AUG 30 1988
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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 1, 1988	August 8, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Maher Molinari Nelder Silver Walker Ward	Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker
Absent: Supervisor Kennedy	Absent: Supervisors Gonzalez Nelder Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

ACTING Clerk

File No. 82-88-10

AUG 1 1988
Date Approved

Mayor

FILE NO. 101-88-7

ORDINANCE NO. 374-88

RO# 8033. SA# 3.

(Government Funding)

APPROPRIATING $14,301,250 FOR 1987 STREET IMPROVEMENT BOND CAPITAL IMPROVEMENT PROJECTS, DPW - BUREAU OF ENGINEERING, FOR FISCAL YEAR 1988-89.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1988-89 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
05-607	1987 Street Improvement Bond		
GL 411	Revisions to Estimated Revenue		
55-5500(050294)	Proceeds Sale of Bonds	$14,301,250	
90-06-00	DPW - BUREAU OF ENGINEERING		
21-2030(778308)	Capital Improvement Projects		
Project 100-01	Street Reconstruction and Renovation		$9,601,250
400-01	Reconstruction of Sidewalks and Adjacent Areas		2,775,000
600-01	Traffic Signals and Channelization Improvements		1,725,000
800-01	New Safety Projects		200,000
	Total	$14,301,250	$14,301,250

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
John C Farrell
CONTROLLER

JUL 11 1988

0917P

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SEP 13 1988
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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 8, 1988	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker
Absent: Supervisors Gonzalez Nelder Hongisto Ward	Absent: Supervisors Britt Hongisto Silver Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Mary Anne Bulen
ACTING Clerk

File No.
101-88-7

AUG 1 1988
AUG 16 1988
Date Approved

Mayor

FILE NO. 215-88-6 ORDINANCE NO. 375-88

(PUBLIC TRANSPORTATION)

APPROVING AGREEMENT BETWEEN CITY AND COUNTY OF SAN FRANCISCO, THROUGH ITS PUBLIC UTILITIES COMMISSION, AND SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT FOR PAYMENT FOR TRANSFER TRIPS.

Be It Ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Section 3.502 of the Charter, the Board of Supervisors hereby approves the Agreement for payment for transfer trips by and between the City and County of San Francisco, through its Public Utilities Commission, and San Francisco Bay Area Rapid Transit District; and approved by Public Utilities Commission Resolution No. 88-0188, adopted May 24, 1988, a copy of which Agreement is contained in Board of Supervisors' file number 215-88-6.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By GEORGE E. KRUEGER
Utilities General Counsel

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SEP 13 1988
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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 8, 1988	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Nelder Silver Walker	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker
Absent: Supervisors Gonzalez Ward Hongisto Molinari	Absent: Supervisors Britt Hongisto Silver Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Mary Anne Bulen
ACTING Clerk

File No.
215-88-6

AUG 18 1988
Date Approved

Mayor

FILE NO. 45-88-49

ORDINANCE NO. 376-88

RO #8021

AUTHORIZING SETTLEMENT OF LITIGATION OF BRENA FRATINI v. CITY AND COUNTY OF SAN FRANCISCO FOR $7,500.

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Brena Fratini v. City and County of San Francisco, et al." Superior Court No. 875-730, by the payment of $7,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE, City Attorney

By: Kimberly A. Reiley
KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

Michael Hennessey
MICHAEL HENNESSY,
Sheriff of the
City and County of San Francisco

FUNDS AVAILABLE:

By John C Farrell
JOHN C. FARRELL,
Controller

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309740 1450 $7,500.00

JUN 27 1988

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
August 8, 1988	§	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Nelder Silver Walker	§	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Nelder Silver Walker
	§	Noes: Supervisors Molinari
Absent: Supervisors Gonzalez Ward Hongisto Molinari	§	Absent: Supervisors Britt Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Mary Anne Bulen
ACTING Clerk

File No.
45-88-49

AUG 18 1988
Date Approved

Mayor

FILE NO. 45-88-53

ORDINANCE NO. 377-88

RO #8026

(SETTLEMENT OF LAWSUIT)

AUTHORIZING SETTLEMENT OF LITIGATION OF CHARLES CARPENTER VS. THE CITY AND COUNTY OF SAN FRANCISCO, ET AL. FOR $6,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "CHARLES CARPENTER V. THE CITY AND COUNTY OF SAN FRANCISCO, ET AL.," United States District Court No. C86-5836, by the payment of $6,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

DAN SIEGEL
Chief of Complex Litigation

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRANK JORDAN, Chief

APPROVED:

SAN FRANCISCO POLICE COMMISSION

SECRETARY

FUNDS AVAILABLE:

JOHN FARRELL
CONTROLLER

01 001 97 09 38
309781 1450 $6,000.00

JUL 06 1988

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 8, 1988	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker
Absent: Supervisors Gonzalez Nelder Hongisto Ward	Absent: Supervisors Britt Hongisto Silver Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

ACTING Clerk

File No.
45-88-53

AUG 18 1988
Date Approved

Mayor

FILE NO. 45-88-54 ORDINANCE NO. 378-88

RO #8025

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF TRAVIS JONES AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $7,500.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "TRAVIS JONES v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 859-360, by the payment of $7,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRANK JORDAN
Chief of Police

FUNDS AVAILABLE:

JOHN FARRELL
Controller

01 001 97 09 38
309781 1450 $7,500.00

5856t/4

JUL 06 1988

APPROVED:
POLICE COMMISSION

SECRETARY

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 8, 1988	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker
Absent: Supervisors Gonzalez Nelder Hongisto Ward	Absent: Supervisors Britt Hongisto Silver Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

ACTING Clerk

AUG 18 1988

Date Approved

Mayor

File No.
45-88-54

FILE NO. 45-88-55

ORDINANCE NO. 379-88

RO #8040

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF SELWYN SHICK HUNG NG AND VIDA LIU AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $25,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "SELWYN SHICK HUNG NG AND VIDA LIU v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Municipal Court No. 936-064, by the payment of $25,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRANK JORDAN
Chief

FUNDS AVAILABLE:

JOHN FARRELL
Controller

01 001 97 09 38
309781 1450 $25,000.00

JUL 20 1988

APPROVED:
POLICE COMMISSION

SECRETARY

5298T

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 8, 1988	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker
Absent: Supervisors Gonzalez Nelder Hongisto Ward	Absent: Supervisors Britt Hongisto Silver Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

ACTING Clerk

File No.
45-88-55

AUG 18 1988
Date Approved

Mayor

FILE NO. 45-88-56

ORDINANCE NO. 380-88

RO #8037

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF MICHELLE MURPHY AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $15,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "MICHELLE MURPHY v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 866-000, by the payment of $15,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

for RICHARD J. EVANS
Director

FUNDS AVAILABLE:

JOHN FARRELL
Controller

01 001 97 09 90
309674 1450 $15,000.00

6454t/7

JUL 20 1988

APPROVED:

RUDOLF NOTHENBERG
Chief Administrative Officer

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 8, 1988	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker
Absent: Supervisors Gonzalez Nelder Hongisto Ward	Absent: Supervisors Britt Hongisto Silver Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

ACTING Clerk

AUG 18 1988

Date Approved

Mayor

File No.
45-88-56

FILE NO. 101-88-6

ORDINANCE NO. 381-88
RO# 8034. SA# 2.

(Government Funding)

APPROPRIATING $355,000 FOR CAPITAL IMPROVEMENT PROJECT (SUNNYDALE LAND), CLEAN WATER, FOR FISCAL YEAR 1988-89.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1988-89 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
35-895	1976 Sewer Revenue Bond Fund		
GL 495(035006)	Use of Surplus	$355,000	
92-01-00	Cleanwater		
21-2030(543363)	Capital Improvement Project		
Project 006-01	Sunnydale Land		355,000
	Total	$355,000	$355,000

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

John C Farrell
CONTROLLER

JUL 11 1988

0917P

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 8, 1988	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker
Absent: Supervisors Gonzalez Nelder Hongisto Ward	Absent: Supervisors Britt Hongisto Silver Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

AUG 18 1988

Mary Anne Bulen
ACTING Clerk

File No.
101-88-6

Date Approved

Mayor

FILE NO. 101-88-8

ORDINANCE NO. 382-88

RO #8032 SA #5

(Government Funding)

APPROPRIATING $227,103 FOR PERMANENT SALARIES - MISCELLANEOUS, TEMPORARY SALARIES, MANDATORY FRINGE BENEFITS AND MATERIAL AND SUPPLIES FOR THE CREATION OF ELEVEN (11) POSITIONS, JUVENILE COURT, (JUVENILE HALL), FOR FISCAL YEAR 1988-89; SUBJECT OF PREVIOUS BUDGETARY DENIAL.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for Fiscal Year 1988-89 as follows:

DEPARTMENT AND NUMBER	SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION	AMOUNT DEBIT	AMOUNT CREDIT
01-001	General Fund		
G.L. 496	Unappropriated Revenue Reserved		
Subsidiary 000006	General Reserve	$227,103	
12-02-00	Juvenile Court		
01-0010 (319558)	Permanent Salaries - Miscellaneous		$158,530
02-0200	Temporary Salaries		11,511
04-0600	Mandatory Fringe Benefits		44,275
11-1300	Material and Supplies		12,787
	Total	$227,103	$227,103

Section 2. Funds are hereby appropriated for eleven positions created by Amendment to the Annual Salary Ordinance (Board of Supervisors' File No. 102-88-3) as follows:

Department Classification	Juvenile Court Rate of Pay	Created
8316 B Assistant Counselor	$ 766 B 925	3
8318 B Counselor II	1083 B 1310	1
8320 B Counselor, Juvenile Hall	984 B 1191	7
	Total	11

Section 3 This ordinance is hereby adopted by a two-thirds vote of all members of the Board of Supervisors pursuant to the provisions of Section 6.306 of the Charter.

This item was previously requested by budget estimate and denied by the Mayor.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
John C. Farrell
CONTROLLER

APPROVED:
CIVIL SERVICE COMMISSION

AUG 28 1988

BY: John J. Walsh
GENERAL MANAGER, PERSONNEL

Board of Supervisors, San Francisco

Passed for Second Reading
August 8, 1988

Ayes: Supervisors Britt Hongisto Hsieh Kennedy Maher Molinari Nelder Silver Walker

Absent: Supervisors Gonzalez Ward

Finally Passed
August 15, 1988

Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker

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I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Mary Anne Butler
ACTING Clerk

AUG 18 1988
Date Approved

Mayor

File No.
101-88-8

FILE NO. 102-88-3 ORDINANCE NO. 383-88

PUBLIC EMPLOYMENT SAL.ORD.AMEND. NO. 1

AMENDING ORDINANCE NO. 268-88 (INTERIM ANNUAL SALARY ORDINANCE, 1988-89) REFLECTING THE RESTORATION OF ELEVEN POSITIONS IN THE JUVENILE COURT, JUVENILE HALL DIVISION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated items and section of Ordinance No. 268-88 (Interim Annual Salary Ordinance, 1988-89) are hereby amended so that the same shall read as follows:

(Amendment)	No. Pos.	Class & Item No.	Class Title	Compensation Schedule
		Dept.:	12 Juvenile Court	
		Division:	02 Juvenile Hall	
		Section:	00 Juvenile Hall	
		Program:	1609 Juvenile Hall; Pre/Post Adjudication	
		Fund:	01001 General Fund	
		Index:	319558 Juvenile Hall-G/F	
		Proj/Phase:	000/00 Unassigned Title	
		Object:	001 Permanent Salaries-Miscellaneous	
3 added	18	8316 B	Assistant Counselor.....	$ 766B925
1 added	8	8318 B	Counselor II.....	1083B1310
7 added	44	8320 B	Counselor, Juvenile Hall.....	984B1191

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Theodore R. Lakey
DEPUTY CITY ATTORNEY

NO. 1

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 8, 1988	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Nelder Silver Walker	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker
Absent: Supervisors Gonzalez Ward Hongisto Molinari	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Mary Anne Bulos
Acting Clerk

File No.
102-88-3

AUG 18 1988
Date Approved

Mayor

FILE NO. 46-88-13 ORDINANCE NO. 384-88

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF JUDITH LASKOWSKI vs. AASHILD CONWAY, et al., UPON RECEIPT OF THE SUM OF $6,667.00 AND AUTHORIZING DISMISSAL OF SAID LITIGATION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 860389 entitled "JUDITH LASKOWSKI, Plaintiff vs. AASHILD CONWAY, et al., Defendants and CITY AND COUNTY OF SAN FRANCISCO, Intervenor" by the acceptance of the sum of $6,667.00.

Section 2. Upon receipt of said sum of $6,667.00, the City Attorney is authorized to dismiss said complaint.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By: KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By: PAM LEVESQUIE
Executive Assistant to
General Manager

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 8, 1988	August 15, 1988
Ayes: Supervisors Britt Hsieh Kennedy Maher Molinari Silver Walker	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Walker
Absent: Supervisors Gonzalez Nelder Hongisto Ward	Absent: Supervisors Britt Hongisto Silver Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Mary Anne Buker
ACTING Clerk

File No.
46-88-13

AUG 26 1988
Date Approved

Mayor

AS AMENDED IN COMMITTEE
8/9/88

FILE NO. 65-88-3

ORDINANCE NO. 385-88

(Lease Renewal)

AUTHORIZING LEASE RENEWAL OF REAL PROPERTY AT 1715 YOSEMITE AVENUE FOR THE YOUNG COMMUNITY DEVELOPERS; WAIVING BACK RENT IN THE AMOUNT OF $7,000.

8/9/88 e

Be It Ordained by the People of the City and County of San Francisco:

Section 1: In accordance with the recommendation of the Mayor's Office of Community Development, that the Mayor and the Clerk of the Board of Supervisors, on behalf of the City and County of San Francisco, as Lessor, are hereby authorized and directed to execute a written renewal of a lease with the Young Community Developers, as Lessee, covering the property located at 1715 Yosemite Avenue (Assessor's Lot 9 in Block 5418), San Francisco for administrative and training facilities for the economically disadvantaged. The renewal of the lease shall commence July 1, 1988 and end June 30, 1989 at a rental of One Dollar ($1.00) per year.

8/9/88 e

Section 2: That the City will waive the back rent in the amount of $7,000 owed for prior use of this facility in exchange for the Young Community Developer's services to the low-income community for as long as the Mayor's Office of Community Development contracts with the Young Community Developers for these services.

APPROVED:

Director of Property

RECOMMENDED:

Director
Mayor's Office of Community Development

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 15, 1988	August 22, 1988
Ayes: Supervisors Britt Gonzalez Kennedy Nelder Silver Walker Ward	Ayes: Supervisors Britt Gonzalez Kennedy Maher Nelder Silver Ward Walker
Noes: Supervisors Hongisto Hsieh Molinari	Noes: Supervisors Hongisto Hsieh Molinari
Absent: Supervisors Maher	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 65-88-3

AUG 26 1988
Date Approved

Mayor

Amendment of the Whole
as amended in committee
8/4/88

FILE NO. 97-88-19 ORDINANCE NO. 386-88

[Contracts Discrimination Review]

AMENDING CHAPTER 6 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 6.55 THEREOF, AUTHORIZING THE HUMAN RIGHTS COMMISSION TO REVIEW ALL CONTRACTS SUBJECT TO CHAPTER 12B OF THE ADMINISTRATIVE CODE PRIOR TO AWARD, FOR COMPLIANCE WITH THE NONDISCRIMINATION PROVISIONS OF CHAPTER 12B OF THE ADMINISTRATIVE CODE.

Note: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 6 of the San Francisco Administrative Code is amended by amending Section 6.55 thereof, to read as follows:

SECTION 6.55 COMPLIANCE WITH NONDISCRIMINATION PROVISIONS.

(a) Subject to the provisions of subsection (c) of this section, as soon as practical prior to awarding any contract subject to this Chapter, the Human Rights Commission (Commission) shall review any such contract to insure compliance with Chapter 12B of the San Francisco Administrative Code. Subject to the provisions of subsection (c) of this section, as soon as practical, prior to awarding any contract subject to Chapter 12B of the San Francisco Administrative Code, the Human Rights Commission may review any such contract to insure compliance with the nondiscrimination provisions of Chapter 12B of the San Francisco Administrative Code; further provided that the Commission shall review any such contract when requested to do so by the Mayor, or a member of the Board of Supervisors ~~or any board or commission established by the charter of the City and County of San Francisco~~. If the Commission determines that there is cause to believe that a proposed contract or subcontract ((or)) does not comply with any requirements of Chapter 12B of the Administrative Code, the Commission shall notify the contract awarding officer and attempt to resolve the noncompliance through conciliation. If the noncompliance cannot be resolved, the Commission shall submit to the contract awarding officer and the contractor a written Finding of Noncompliance. The Commission shall give the contractor an opportunity to appeal the Finding. Upon reaching a decision in any appeal, the Commission shall give written notice thereof, to the contract awarding officer, and the appellant or appellants. The decision of the Commission shall be final unless within 15 days of the filing and service of written notice thereof, appropriate legal proceedings are filed in a court of competent jurisdiction by any party to this contract.

(b) Pending any investigation or appeal conducted pursuant to this Section, the Human Rights Commission may, by written notice to the contract awarding officer, stay the award of any contract that is the subject of any investigation or appeal.

(c) The Director of the Commission may waive the review of any contract subject to this Chapter. The Director shall transmit a memorandum to the Commission as soon as possible reporting such waiver. The Director's memorandum regarding the review waiver shall be a public document. The Commission may disapprove the Director's decision to waive review. Commission decision to disapprove must be made within thirty days of receipt of the Director's memorandum but in no event subsequent to the award of any contract.

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(d) Any duties required of the Commission under this section may be delegated by the Commission to the Director.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Theodore R. Lakey
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
August 15, 1988	§	August 22, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Molinari Nelder Walker	§	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker
	§	
	§	
Absent: Supervisors Maher Silver Ward	§	
	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor
Clerk

File No.
97-88-19

AUG 26 1988
Date Approved

Mayor

FILE NO. 97-88-31 ORDINANCE NO. 387-88

(Temporary Street Closings - Athletic Events)

AMENDING CHAPTER 2, ARTICLE VIII OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTIONS 2.75-1 THROUGH 2.75-5 THERETO, PROVIDING FOR DESIGNATION OF ROUTES FOR ATHLETIC EVENTS, NOTICE OF APPLICATIONS AND PERMITS, AND COST RECOVERY FOR ADDITIONAL POLICE AND STREET-CLEANING SERVICES RENDERED.

Be it ordained by the People of the City and County of San Francisco:

NOTE: All language is new; additions, therefore, have not been underlined.

Section 1. Chapter 2, Article VIII of the San Francisco Administrative Code is hereby amended, by adding Sections 2.75-1 through 2.75-5 thereto, to read as follows:

SEC. 2.75-1. ATHLETIC EVENTS.

Notwithstanding any other provisions of the Administrative Code of the City and County of San Francisco, the regulation of athletic events as defined herein, including the processes for obtaining permits from the City for conducting these athletic events and the payment of associated fees to the City, shall be governed by Sections 2.75-1 through 2.75-5 of the Administrative Code.

For the purposes of this Article, an "athletic event" is an event in which a group of people collectively engage in a sport or form of physical exercise on any street in the City and County of San Francisco, which event obstructs or interferes with the normal flow of vehicular traffic. An "athletic event" includes, but is not limited to, jogging, bicycling, racewalking, roller skating or running. Any event taking place entirely on property under the

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jurisdiction of the Recreation and Parks Department of the City and County of San Francisco shall be exempt from this ordinance.

SEC. 2.75-2. ATHLETIC EVENTS; DESIGNATION OF ROUTES.

(a) The increasing number of athletic events being held on City streets places a significant burden on the City and its inhabitants. Athletic events provide entertainment and recreation for San Franciscans and people throughout the Bay Area, as well as promoting and supporting tourism in the City. But closing off several major streets at the same time to accommodate a race often causes hardship in the daily lives of local residents, widespread disruption of public transit service, increased litter on public streets and sidewalks, and potential interference with emergency services. By adopting this ordinance, the Board of Supervisors intends to reconcile the City's interest in promoting athletic events with the right of its citizens to the quiet enjoyment of their own neighborhoods.

(b) Athletic events requiring temporary street closings shall be limited in location to routes previously designated as appropriate by the Board of Supervisors. These routes shall be drawn up by ISCOTT and approved by resolution of the Board of Supervisors. In designating these routes, ISCOTT and the Board shall consider the effect of the designation upon: local traffic patterns; Municipal Railway routes; the ability of the Police Department and the Department of Public Works to provide special services to the event; the safe and efficient delivery of police, fire and emergency medical services to the affected neighborhoods; the safety of participants in the event; and, the rights of participants, residents and local businesses to the reasonable use and enjoyment of City streets.

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(c) Any person seeking permission to conduct an athletic event as defined in Section 2.75-1 shall file an application. The filing of the application and its processing shall be governed by the same processes, application fees, appellate procedures, Municipal Railway fees, and other requirements contained in Section 2.70-1 of the Administrative Code, which sets forth the procedures for requesting permission for temporary use or occupancy of public streets. A street closing for an athletic event shall be restricted to those routes designated pursuant this Section. The applicant may, as part of the application, request a waiver of this restriction. In considering a request for a waiver, the City may take into account the extent to which the event has been held along a particular route prior to the effective date of this ordinance if that same route has been in use continuously for a period of three or more years. An applicant's request for a waiver shall be granted to the extent that a change of route is required by the Police Department for reasons of public safety.

SEC. 2.75-3. ATHLETIC EVENTS; PUBLIC NOTICE.

(a) ISCOTT shall mail a copy of any application for a temporary street closing for an athletic event to any community group or neighborhood association that has previously requested in writing to be notified of such applications.

(b) If the temporary street closing is approved, the applicant shall cause notices of the event to be conspicuously posted on both sides of the street along the entire route, at not more than 300 feet in distance apart on each street so posted, but not less than three notices on each street forming part of the route. The notices shall be posted not less than 72 hours prior to the scheduled start of the event. The applicant shall remove the

notices within 48 hours after the completion of the event, or be liable for the costs of removal by the City pursuant to Article 10 of the San Francisco Police Code.

Each notice shall be headed "STREET CLOSED FOR ATHLETIC EVENT" in letters not less than one inch in height, and shall in legible characters (1) briefly describe the event to be held; (2) identify the date and time the event is to take place; and, (3) warn that the street will be closed to traffic at that time.

SEC. 2.75-4. ATHLETIC EVENTS; COST RECOVERY -- POLICE.

(a) An application for a temporary street closing for an athletic event shall be deemed a request for police department services within the meaning of Sections 10B.1 through 10B.5 of the San Francisco Administrative Code. If the temporary street closing is approved, the Chief of Police may detail such personnel to police the event in the number and for the period of time the Chief determines to be necessary to perform the services. If the on-site services of two or more police officers are required during the event, the applicant shall be liable for the cost of police services, including field investigation needed to determine manpower requirements, and shall be responsible for indemnifying and holding harmless the City and County of San Francisco and the police personnel as required by Section 10B.2.

(b) Upon approval of a temporary street closure for an athletic event, a sum of money which the Chief of Police estimates will be necessary to cover the costs of services pursuant to Section 10B.2 of this Code shall be due. No temporary street closure shall be deemed effective until such sum of money is deposited with the Chief of Police of the City and County of San Francisco and the applicant presents to the Chief of Police proof of such deposit.

The sum of money required pursuant to this paragraph shall be deposited at least one calendar week before the scheduled event. If the applicant does not deposit the sum required within the time limit specified, the temporary street closing shall be deemed denied, or, if the street closing already has been approved, revoked.

(c) Within a reasonable time after the event is over, the Chief of Police shall determine the amount of money necessary to cover the cost of services provided by the Police Department pursuant to Section 10B.2 of this Code. If the deposit pursuant to subsection (b) hereof is insufficient to cover the cost of police services, the Chief of Police shall notify the applicant by United States mail to the address listed on the application and they shall have ten days to pay the balance. If the amount deposited exceeds the actual costs, the Chief of Police shall authorize a refund of the excess to the applicant at the address shown on the application.

(d) If the applicant or sponsor cancels the event after personnel have been assigned to police it and such personnel have begun that duty, the applicant shall be liable for the time expended by police personnel pursuant to Section 10B.2 of the San Francisco Administrative Code, but in no case for less than 2 hours per employee. If the temporary street closure is revoked, the money deposited for the costs of police services pursuant to this ordinance shall be refunded.

SEC. 2.75-5. ATHLETIC EVENTS; COST RECOVERY -- PUBLIC WORKS.

(a) An application for a temporary street closing for an athletic event shall be deemed a request for department of public works services within the meaning of Sections 10B.11 through 10B.15

of the San Francisco Administrative Code. If the temporary street closing is approved, the Director of Public Works may detail such personnel to provide street-cleaning and related services for the event in the number and for the period of time the Director determines to be necessary to perform the services. The applicant for the temporary street closing shall be liable for the cost of street-cleaning and related services, including field investigation needed to determine manpower requirements, and shall be responsible for indemnifying and holding harmless the City and County of San Francisco and the Department of Public Works personnel as required by Section 10B.12.

(b) Upon approval of a temporary street closing for an athletic event, a sum of money which the Director of Public Works estimates will be necessary to cover the costs of services pursuant to Section 10B.12 of this Code shall be due. No approval shall be deemed effective until such sum of money is deposited with the Director of Public Works. The sum of money required pursuant to this paragraph shall be deposited at least one calendar week before the scheduled event. If the applicant does not deposit the sum required within the time limit specified, the application for a temporary street closing shall be deemed denied, or, if the street closing has already been approved, revoked. The Director of Public Works may waive the advance deposit requirement if the particular event has not required additional street-cleaning or related services for the past three years. The applicant shall, however, remain liable for the costs of any additional services actually required.

(c) Within a reasonable time after the event is over, the Director of Public Works shall determine the amount of money necessary to cover the cost of services provided by the Department

of Public Works pursuant to Section 10B.12 of this Code. If the deposit pursuant to subsection (b) hereof is insufficient to cover the cost of street-cleaning and related services, the Director of Public Works shall notify the applicant by United States mail to the address listed on the application and he or she shall have ten days to pay the balance. If the amount deposited exceeds the actual costs, the Director of Public Works shall authorize a refund of the excess to the applicant at the address shown on the application.

(d) If the Board of Supervisors has approved a temporary street closing for an athletic event and the applicant cancels the event after personnel have been assigned to provide street-cleaning and related services to the event and such personnel have begun that duty, the applicant shall be liable for the time expended by Department of Public Works personnel pursuant to Section 10B.12 of the San Francisco Administrative Code. If a temporary street closing is revoked, the money deposited for the costs of street-cleaning and related services pursuant to this ordinance shall be refunded.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

Theodore R Lakey

Deputy City Attorney

1598g/12-18

SUPERVISORS MAHER, WALKER

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
August 15, 1988	§	August 22, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker	§	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker
Noes: Supervisors Nelder	§	Noes: Supervisors Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor

Clerk

File No. 97-88-31

AUG 26 1988

Date Approved

Mayor

FILE NO. 97-88-32 ORDINANCE NO. 388-88

(Cost Recovery - Police)

7/26/88 e AMENDING CHAPTER 10B OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 10B.1 AND 10B.2 THEREOF, PROVIDING FOR RECOVERY OF COSTS FOR ADDITIONAL SERVICES RENDERED BY THE POLICE DEPARTMENT.

Be it ordained by the People of the City and County of San 7/26/88 e Francisco:

NOTE: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Section 1. Chapter 10B of the San Francisco Administrative Code is hereby amended, by amending Sections 10B.1 and 10B.2 thereof, to read as follows:

SEC. 10B.1. REQUEST FOR POLICE SERVICES.

Any person, corporation, firm or organization desiring additional personnel, equipment and materials of the San Francisco Police Department, for law enforcement purposes within the City and County of San Francisco, may request the Chief of the San Francisco Police Department to provide such personnel to perform such services. If the Chief of Police approves the request, he or she may detail such personnel for such services in the number he or she determines to be necessary to perform the services.

SEC. 10B.2. PAYMENT FOR SERVICES.

The person, corporation, firm or organization desiring such services ((personnel)) shall pay to the police department such sums of money as may be necessary to pay for the additional services. Such payment shall be computed based upon ((at)) the rate paid or payable to those uniformed officers of the police department actually performing services at the time they are to perform such additional duties, the cost of additional equipment and materials expended, plus 22.5% thereof for administrative overhead. The police department shall deposit with the treasurer such sums received in a special account designated public facilities overtime account; provided however that the amount representing 22.5% shall be deposited to the general fund unappropriated balance of funds. Such person, corporation, firm or organization shall indemnify, hold harmless and defend said City and County of San Francisco, the San Francisco Police Department, and all the officers, agents and employees of either, from any and all liability, judgments or claims for personal or bodily injuries, false arrest and false imprisonment caused by or purportedly caused by such personnel in the rendering of such services.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

Deputy City Attorney

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1598g/16-17

SUPERVISORS MAHER, WALKER

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
August 15, 1988	§	August 22, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez	§	Ayes: Supervisors Britt Gonzalez
Hongisto Hsieh Kennedy Maher Ward	§	Hongisto Hsieh Kennedy Maher Ward
Molinari Silver Walker	§	Molinari Silver Walker
	§	
Noes: Supervisors Nelder	§	Noes: Supervisors Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-88-32

AUG 26 1988
Date Approved

Mayor

File No. 97-88-33.

E R R A T A

Correct Ordinance No. 389-88 on Page 2, Line 18, SEC 10B.14. GENERAL PROVISIONS to read SEC. 10B.15. GENERAL PROVISIONS

John L. Taylor
Clerk of the Board
October 11, 1988

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FILE NO. 97-88-33 ORDINANCE NO. 389-88

(Cost Recovery - DPW)

7/26/88 e AMENDING CHAPTER 10B OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTIONS 10B.11 THROUGH 10B.15 THERETO, PROVIDING FOR RECOVERY OF COSTS FOR ADDITIONAL STREET-CLEANING AND RELATED SERVICES RENDERED BY THE DEPARTMENT OF PUBLIC WORKS.

Be it ordained by the People of the City and County of San Francisco:

7/26/88 e NOTE: All language is new; additions therefore have not been underlined.

Section 1. Chapter 10B of the San Francisco Administrative Code is hereby amended, by adding Sections 10B.11 through 10B.15 thereto, to read as follows:

SEC. 10B.11. REQUEST FOR STREET-CLEANING AND RELATED SERVICES.

Any person, corporation, firm or organization desiring additional personnel, equipment and materials of the San Francisco Department of Public Works, for street-cleaning and related services within the City and County of San Francisco, may request the Director of the Department of Public Works to provide such personnel to perform such services. If the Director approves the request, he or she may detail such personnel for such services in the number he or she determines to be necessary to perform the services.

SEC. 10B.12. PAYMENT FOR SERVICES.

The person, corporation, firm or organization desiring such personnel shall pay to the Department such sums of money as the Director of Public Works estimates shall be necessary to cover the actual costs of the services to be provided. Such person, corporation, firm or organization shall indemnify, hold harmless and defend said City and County of San Francisco, the Department of

Public Works, and all the officers, agents and employees of either, from any and all liability, judgments or claims for personal or bodily injuries, property damage, or other injuries caused by or purportedly caused by such personnel in the rendering of such services.

SEC. 10B.13. RATES OF PAY.

For services performed in excess of the basic week, Department employees shall be compensated on the basis of time and one-half in accordance with the ratio which said excess service bears to the basic week of service and the annual compensation provided therefor in the City Charter.

SEC. 10B.14. MINIMUM ASSIGNMENT.

Requested services shall be compensated upon the basis of four hours per employee minimum per assignment.

SEC. 10B.~~14~~15. GENERAL PROVISIONS

Employees of the Department, detailed to perform services pursuant to this chapter, shall not be entitled to any additional overtime benefits over the above those provided herein.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

Theodore Lakey

Deputy City Attorney

1598g/18-19

SUPERVISORS MAHER, WALKER

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
August 15, 1988	§	August 22, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker	§	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker
Noes: Supervisors Nelder	§	Noes: Supervisors Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor

Clerk

File No. 97-88-33

AUG 26 1988

Date Approved

Mayor

As amended in Board 8/15/88

FILE NO. 97-88-40

ORDINANCE NO. 390-88

(Street Closures)

AMENDING CHAPTER 2, ARTICLE VIII OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 2.70 THEREOF AND ADDING SECTION 2.70-1 THERETO, RELATING TO POLICIES AND PROCEDURES FOR TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS.

Note: Additions or substitutions are <u>underlined</u>; deletions are in ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

Section 1. Chapter 2, Article VIII of the San Francisco Administrative Code is hereby amended by amending Section 2.70 thereof, to read as follows:

SEC. 2.70. ((REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS; PROCEDURE. Any request for permission for the temporary use or occupancy of a public street within the City and County shall be filed with the Clerk of the Board of Supervisors, on a form provided by said Clerk of the Board, not less than 60 days prior to the date of said proposed temporary use or occupancy. Upon receipt, the Clerk shall refer such request to an appropriate committee of said board for public hearing and shall transmit a copy of said request to the interdepartmental staff committee on traffic and transportation for its report and recommendation thereon. The report and recommendation of said committee shall be submitted to the Board within five days after it considers said request at its meeting)).

/ / /

((The Board committee before which a proposed temporary public street use or occupancy request is pending shall not report it to the Board, and the Board shall not grant permission for such temporary use or occupancy prior to receipt of the aforesaid report, but in the event said report is not received within said time limitation, such committee and Board action shall be permissible. The Clerk of the Board shall transmit copies of any legislation granting permission for the temporary use or occupancy of a public street to the Chief of Police; The Chief of the Fire Department; the Superintendent, Emergency Hospital Service, Department of Public Health; and to the General Manager of the Municipal Railway.))

<u>INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND TRANSPORTATION (ISCOTT).</u>

<u>There is hereby established a committee to be known as the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), consisting of the department heads or their designated representatives from the following departments and agencies: Public Works, Police, Fire, Public Health, Municipal Railway, and City Planning. The Director of the Department of Public Works or his or her designee shall serve as Chair of ISCOTT. In exercising its powers the committee shall consult with any other city department or agency which could be affected by any temporary use or occupancy of any public street. The committee shall have the authority to take all acts reasonably necessary for it to carry out any duties imposed upon it by ordinance. Before acting on any application for temporary use or occupancy of public streets, ISCOTT shall conduct a public hearing at publicly noticed times and at places to be determined by the committee.</u>

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Section 2. Chapter 2, Article VIII of the San Francisco Administrative Code is hereby amended, by adding Section 2.70-1 thereto, to read as follows:

2.70-1 REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS: PROCEDURE.

(a) Any person seeking permission for the temporary use or occupancy of a public street within the City and County shall file an application with the Director of the Department of Public Works, on a form provided by said Director, and shall pay a filing fee of $40.00 not less than 60 days prior to the date of said proposed temporary use or occupancy. The completed application shall include, when applicable, maps and/or drawings which identify the streets that would be affected, describe the scope and design of the event including illustrations of the location of staging, food booths, seating, and a diagram of an emergency access plan. In addition, the Director may request such additional information as is necessary to allow ISCOTT to make an informed evaluation of the proposed temporary use or street occupancy.

Applicants shall be responsible for posting notice of the public hearing at least seven days prior to the hearing at which the application will be reviewed by ISCOTT. Such notice shall include a description of the streets that would be affected and shall be posted in the area of the proposed temporary use or street occupancy according to rules and regulations prescribed by the Department of Public Works. A declaration under penalty of perjury shall be submitted to the Department of Public Works by the applicant attesting that the required public notices have been posted.

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Upon receipt, the Director shall refer such a request to ISCOTT for its review and approval, or disapproval.

(b) ISCOTT Review and Approval Process.

In reviewing an application, ISCOTT shall: consider the impact of the temporary use or occupancy of public streets on the traffic, security, health, and safety of the public; determine the traffic, security, health, and safety requirements of the proposed temporary use or occupancy; and evaluate the measures proposed by the applicant to satisfy those requirements. It shall be the duty of ISCOTT to also consider the following:

1. Demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health, and welfare of the public.

2. Duration of the temporary use or street occupancy and the City's ability to accommodate such use or occupancy with the necessary resources.

3. Overextension of the City's resources because of previously approved temporary use or occupancy of public streets or other activities that could cause scheduling conflicts during the same period.

4. The availability of an appropriate emergency access plan.

The ISCOTT committee may impose additional requirements or conditions it deems necessary to protect the public interest by ensuring traffic management, security of property and health and safety of citizens. At the time ISCOTT reviews the application, it shall also determine the necessity of and the total estimated actual costs incurred by the Municipal Railway to run motor coaches to accommodate the re-routing of electrically powered transit vehicles because of restrictions which are imposed by the temporary street

closing. The applicant shall pay a fee to the Municipal Railway which is calculated at the rate of $4.42 per electrically powered vehicle hour per line affected. For purposes of this provision, "vehicle hour" shall mean the number of hours each coach on a line is in operation during the day of the street closing. If the application is approved, the General Manager of the Municipal Railway shall transmit to the applicant an invoice for the fee. The applicant shall make full payment of the fee no later than 10 days prior to the date of the street closing, or in accordance with a schedule agreed to by the General Manager of Municipal Railway. The committee shall not disapprove any application for a temporary use or occupancy of public streets because of the applicant's political, religious, or cultural orientation.

Notice of ISCOTT's action of approval or disapproval shall be submitted to the Board of Supervisors and copies transmitted to the Chief of Police; the Chief of the Fire Department; the Director of Health; the General Manager of the Municipal Railway; and Director of City Planning within 15 days of the decision and be maintained as a matter of record. The Director of the Department of Public Works shall deem the application approved as submitted, if ISCOTT takes no action to approve or disapprove the application within 30 days of receipt of the application.

(c) Appeals Process. Should the application be disapproved by ISCOTT, the applicant may appeal the decision to the Board of Supervisors. Such appeal shall be made by filing with the Clerk of the Board, on a form provided by the said Clerk of the Board, within 15 days of disapproval. Upon receipt, the Clerk shall set a time and place for hearing such appeal by the Board of Supervisors, which shall be at its next regular meeting in conformance with public notice requirements.

At the appeal hearing, the appellant and members of ISCOTT shall have an opportunity to present oral testimony and written materials in support of their positions. The Board shall conduct the hearing according to the same standards of review as set forth in Section 2.70-1 (b) hereof. Upon hearing the appeal, and after any further investigation, which the Board may request, the Board may, affirm, reverse, or modify the ISCOTT decision.

Any permission for the temporary use or occupancy of a public street authorized pursuant to these provisions shall be subject to the conditions set forth in San Francisco Administrative Code Section 2.71 and 2.72.

(d) Late Applications. If the application is made less than 60 days prior to the event, permission shall be denied unless the applicant demonstrates to a member of the Board of Supervisors that compliance with the 60 day deadline was impractical or impossible due to the nature of the event. In such case, department representatives of ISCOTT shall be consulted by the Clerk of the Board of Supervisors, and ~~if no objections are~~ expressed by any of the ISCOTT members~~, the~~ application ~~may~~ shall be reported to the Board of Supervisors. T any recommendations be considered by the Board of Supervisors without a public hearing by ~~the committee.~~ shall then either ISCOTT or a committee of the Board of Supervisors.

8/15/88

ep

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakes
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
August 15, 1988	§	August 22, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker	§	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker
	§	
Noes: Supervisors Nelder	§	Noes: Supervisors Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor
Clerk

File No.
97-88-40

AUG 26 1988
Date Approved

Mayor

As amended in Board 8/15/88

FILE NO. 97-87-48

ORDINANCE NO. 391-88

(Temporary Street Closings)

AMENDING CHAPTER 2, ARTICLE VIII OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 2.70 THEREOF, AND BY ADDING SECTIONS 2.70-1 THROUGH 2.70-4 THERETO, CREATING AN INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND TRANSPORTATION AND PROVIDING FOR PROCEDURES FOR TEMPORARY STREET CLOSINGS, SPECIAL PROCEDURES FOR MAJOR EVENTS, INSURANCE AND NOTICE.

NOTE: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 2, Article VIII of the San Francisco Administrative Code is hereby amended, by amending Section 2.70 thereof to read as follows:

SEC. 2.70. ((REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS; PROCEDURE. Any request for permission for the temporary use or occupancy of a public street within the City and County shall be filed with the Clerk of the Board of Supervisors, on a form provided by said Clerk of the Board, not less than 60 days prior to the date of said proposed temporary use or occupancy. Upon receipt, the Clerk shall refer such request to an appropriate committee of said board for public hearing and shall transmit a copy of said request to the interdepartmental staff committee on traffic and transportation for its report and recommendation thereon. The report and recommendation of said committee shall be submitted to the Board within five days after it considers said request at its meeting.))

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((The Board committee before which a proposed temporary public street use or occupancy request is pending shall not report it to the Board, and the Board shall not grant permission for such temporary use or occupancy prior to receipt of the aforesaid report, but in the event said report is not received within said time limitation, such committee and Board action shall be permissible. The Clerk of the Board shall transmit copies of any legislation granting permission for the temporary use or occupancy of a public street to the Chief of Police; The Chief of the Fire Department; the Superintendent, Emergency Hospital Service, Department of Public Health; and to the General Manager of the Municipal Railway.))

INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND TRANSPORTATION (ISCOTT).

There is hereby established a committee to be known as the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), consisting of the department heads or their designated representatives from the following departments and agencies: Public Works, Police, Fire, Public Health, Municipal Railway, and City Planning. The Director of the Department of Public Works or his or her designee shall serve as Chair of ISCOTT. In exercising its powers the committee shall consult with any other city department or agency which could be affected by any temporary use or occupancy of any public street. The committee shall have the authority to take all acts reasonably necessary for it to carry out any duties imposed upon it by ordinance. Before acting on any application for temporary use or occupancy of public streets, ISCOTT shall conduct a public hearing at publicly noticed times and at places to be determined by the committee.

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Section 2. Chapter 2, Article VIII of the San Francisco Administrative Code is hereby amended, by adding Sections 2.70-1 through 2.70-4 thereto, to read as follows:

SEC. 2.70-1. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS: PROCEDURE.

(a) Any person seeking permission for the temporary use or occupancy of a public street within the City and County shall file an application with the Director of the Department of Public Works, on a form provided by said Director, and shall pay a filing fee of $40.00 not less than 60 days prior to the date of said proposed temporary use or occupancy. The completed application shall include, when applicable, maps and/or drawings which identify the streets that would be affected, describe the scope and design of the event including illustrations of the location of staging, food booths, seating, and a diagram of an emergency access plan. In addition, the Director may request such additional information as is necessary to allow ISCOTT to make an informed evaluation of the proposed temporary use or street occupancy.

Applicants shall be responsible for posting notice of the public hearing at least seven days prior to the hearing at which the application will be reviewed by ISCOTT. Such notice shall include a description of the streets that would be affected and shall be posted in the area of the proposed temporary use or street occupancy according to rules and regulations prescribed by the Department of Public Works. A declaration under penalty of perjury shall be submitted to the Department of Public Works by the applicant attesting that the required public notices have been posted.

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Upon receipt, the Director shall refer such a request to ISCOTT for its review and approval, or disapproval.

(b) ISCOTT Review and Approval Process.

In reviewing an application, ISCOTT shall: consider the impact of the temporary use or occupancy of public streets on the traffic, security, health, and safety of the public; determine the traffic, security, health, and safety requirements of the proposed temporary use or occupancy; and evaluate the measures proposed by the applicant to satisfy those requirements. It shall be the duty of ISCOTT to also consider the following:

1. Demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health, and welfare of the public.

2. Duration of the temporary use or street occupancy and the City's ability to accommodate such use or occupancy with the necessary resources.

3. Overextension of the City's resources because of previously approved temporary use or occupancy of public streets or other activities that could cause scheduling conflicts during the same period.

4. The availability of an appropriate emergency access plan.

The ISCOTT committee may impose additional requirements or conditions it deems necessary to protect the public interest by ensuring traffic management, security of property and health and safety of citizens. At the time ISCOTT reviews the application, it shall also determine the necessity of and the total estimated actual costs incurred by the Municipal Railway to run motor coaches to accommodate the re-routing of electrically powered transit vehicles because of restrictions which are imposed by the temporary street

closing. The applicant shall pay a fee to the Municipal Railway which is calculated at the rate of $4.42 per electrically powered vehicle hour per line affected. For purposes of this provision, "vehicle hour" shall mean the number of hours each coach on a line is in operation during the day of the street closing. If the application is approved, the General Manager of the Municipal Railway shall transmit to the applicant an invoice for the fee. The applicant shall make full payment of the fee no later than 10 days prior to the date of the street closing, or in accordance with a schedule agreed to by the General Manager of Municipal Railway. The committee shall not disapprove any application for a temporary use or occupancy of public streets because of the applicant's political, religious, or cultural orientation.

Notice of ISCOTT's action of approval or disapproval shall be submitted to the Board of Supervisors and copies transmitted to the Chief of Police; the Chief of the Fire Department; the Director of Health; the General Manager of the Municipal Railway; and Director of City Planning within 15 days of the decision and be maintained as a matter of record. The Director of the Department of Public Works shall deem the application approved as submitted, if ISCOTT takes no action to approve or disapprove the application within 30 days of receipt of the application.

(c) Appeals Process. Should the application be disapproved by ISCOTT, the applicant may appeal the decision to the Board of Supervisors. Such appeal shall be made by filing with the Clerk of the Board, on a form provided by the said Clerk of the Board, within 15 days of disapproval. Upon receipt, the Clerk shall set a time and place for hearing such appeal by the Board of Supervisors, which shall be at its next regular meeting in conformance with public notice requirements.

At the appeal hearing, the appellant and members of ISCOTT shall have an opportunity to present oral testimony and written materials in support of their positions. The Board shall conduct the hearing according to the same standards of review as set forth in Section 2.70-1 (b) hereof. Upon hearing the appeal, and after any further investigation, which the Board may request, the Board may, affirm, reverse, or modify the ISCOTT decision.

Any permission for the temporary use or occupancy of a public street authorized pursuant to these provisions shall be subject to the conditions set forth in San Francisco Administrative Code Section 2.71 and 2.72.

(d) Late Applications. If the application is made less than 60 days prior to the event, permission shall be denied unless the applicant demonstrates to a member of the Board of Supervisors that compliance with the 60 day deadline was impractical or impossible due to the nature of the event. In such case, department representatives of ISCOTT shall be consulted by the Clerk of the Board of Supervisors, and ~~if no objections are~~ any recommendations expressed by any of the ISCOTT members shall be reported to the Board of Supervisors. The application ~~may~~ shall then be considered by the Board of Supervisors without a public hearing by ~~the committee.~~ either ISCOTT or a committee of the Board of Supervisors.

8/15/88
ep

SEC. 2.70-2 SPECIAL PROCEDURES FOR MAJOR EVENTS.

(a) The Board of Supervisors finds that the City's resources, including its police, emergency and sanitation personnel, are overextended by multiple street events taking place during the same day. It shall be the policy of the City and County to approve temporary street closings for no more than two major events in any one twenty-four hour period. Dates shall be granted based upon the chronological order in which the applications are received, and applicants denied permission on this basis shall be offered

alternative dates by the City. Notwithstanding the above, the City may, in its discretion, grant preference to recurring events traditionally or historically associated with a particular day or dates.

(b) "Major events" are those events, including athletic events, involving any of the following: the use or occupancy of more than 5 blocks, the expected attendance of more than 1,000 people at any one time, or the re-routing of more than three Municipal Railway transit lines. "Major events" shall also include any sports event at Candlestick Park with expected attendance of more than 50,000 people, or any parade governed by the provisions of Police Code Sections 366 et seq.

SEC. 2.70-3 INSURANCE.

Sponsors of major events shall be required to provide an insurance policy naming the City as an additional insured, in a form approved by the Office of Risk Management. Coverage shall be in an amount of one million dollars or more, as determined by the Office of Risk Management. This insurance requirement shall be waived by the committee of the Board where the event constitutes the exercise of rights protected under the First Amendment to the United States Constitution, and the event sponsor submits a sworn statement of indigency.

SEC. 2.70-4 NOTICE.

The Clerk of the Board of Supervisors shall transmit copies of any legislation approving a temporary street closing to the Director of Public Works, Chief of Police, the Chief of the Fire Department,

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the Superintendent of Emergency Hospital Service of the Department of Public Health and to the General Manager of the Municipal Railway.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

Theodore R. Lakey

Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 15, 1988	August 22, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker
Noes: Supervisors Nelder	Noes: Supervisors Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor

Clerk

File No. 97-87-48

AUG 26 1988

Date Approved

Mayor

FILE NO. 104-88-1 ORDINANCE NO. 392-88

FIXING SCHEDULES OF COMPENSATION EFFECTIVE JULY 1, 1988, TO BE PAID UNDER THE PROVISIONS OF CHARTER SECTION 8.404 TO EMPLOYEES OCCUPYING CLASSIFICATION 9163 TRANSIT OPERATOR AND RELATED TRAINEE CLASS, BY ESTABLISHING THE DOLLAR VALUE DIFFERENCE BETWEEN VACATION RETIREMENT AND HEALTH SERVICE BENEFITS TO BE PAID INTO THE TRANSPORT WORKERS UNION SAN FRANCISCO MUNICIPAL RAILWAY TRUST FUND, INCORPORATING BY REFERENCE A MEMORANDUM OF UNDERSTANDING, AND BY ESTABLISHING CONDITIONS AND BENEFITS OF EMPLOYMENT OTHER THAN WAGES FOR SAID CLASSIFICATIONS, PROVISIONS HEREOF TO REMAIN IN EFFECT UNTIL THE ADOPTION OF AN ORDINANCE ESTABLISHING DIFFERENT PROVISIONS.

Be it ordained by the People of the City and County of San Francisco:

SECTION I. This ordinance incorporates by reference all terms of the Memorandum of Understanding entered into between the City and County of San Francisco and Transport Workers Union of America, AFL-CIO, and Transport Workers Union, Local 250-A for fiscal year 1988-89. The provisions of this ordinance shall remain in effect after the end of fiscal year 1988-89 until the passage of an ordinance establishing different provisions.

APPROVED AS TO CLASSIFICATION
CIVIL SERVICE COMMISSION

GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM
LOUISE RENNE

By: Theodore R. Lake
DEPUTY CITY ATTORNEY

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 15, 1988	August 22, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Silver Walker	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker
Absent: Supervisors Maher Molinari Nelder Ward	Absent: Supervisors Britt Hongisto Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
104-88-1

AUG 26 1988
Date Approved

Mayor

FILE NO. 105-88-2 ORDINANCE NO. 393-88

SALARIES AND WAGES SAL. ORD. AMEND NO. 4

FIXING AND DETERMINING RATES OF COMPENSATION TO BE PAID MUNICIPAL OFFICERS AND EMPLOYEES, WHOSE OFFICES AND POSITIONS ARE ALLOCATED TO CLASSES SPECIFIED HEREIN AND COMPENSATION FOR WHICH ARE SUBJECT TO THE PROVISIONS OF SECTION 8.405 OF THIS CHARTER PROVIDING THAT SAID RATES OF COMPENSATION SHALL BE EFFECTIVE BEGINNING JULY 1, 1988 REPEALING ORDINANCE NO. 351-87.

Be it ordained by the People of the City and County of San Francisco.

Section 1. Adoption of rates of compensation subject to the provisions of Section 8.405 of the Charter - pursuant to the provisions of Section 8.405 of the Charter, the rates of compensation specified herein shall be paid beginning July 1, 1988, as provided in said Section 8.405 of the Charter, to officers and employees of the City and County of San Francisco who are occupying positions designated as or allocated to the various classifications of employment specified herein, compensations for which are subject to the provisions of said Section 8.405 of the Charter.

Section 2. Application of rates of compensation — employees legally holding offices and positions in the classifications hereinafter set forth, the compensation for which are subject to the provisions of Section 8.405 of the Charter, as aforesaid, shall be paid July 1, 1988 as provided in said Section 8.405 of the Charter, the amount set forth herein for the classification in which the respective offices or positions are classified or allocated.

Section 3. The schedules of compensation composing the rates of pay for the respective classifications subject to the provisions of Section 8.405 of the Charter are set forth in Sections 4 and 5 hereof.

Section 4. Police Service — BI-WEEKLY COMPENSATION

0390	Chief of Police	$3887
0400	Deputy Chief	3271
0488	Commander	2657
0460	Secretary, Police Commission	1915
0380	Inspector	1676
Q 80	Captain	2248
Q 63	Criminologist	2248
Q 60	Lieutenant	1915
Q 50	Sergeant	1676
Q 35	Assistant Inspector	1550
	(with 2 years of service)	1676
0520	Police Surgeon	1445
Q 20	Policewoman, 1st year	1249
	2nd year	1311
	3rd year	1376
	4th year	1445
Q 2	Police Officer, 1st year	1249
	2nd year	1311
	3rd year	1376
	4th year	1445

Members assigned to two-wheel motorcycle traffic duty receive $97 biweekly additional compensation.

Section 5. Fire Service — BI-WEEKLY COMPENSATION

0140	Chief of Department	$3887
0145	Assistant Deputy Chief	3270
0150	Deputy Chief of Department	3271
0155	Secretary to Chief of Department	2573
H 50	Assistant Chief of Department	2657
H 40	Battalion Chief	2298
H 30	Captain	1915
H 29	Special Services Officer	1914
H 20	Lieutenant	1676
H 19	Airport Training Officer	1675
H 18	Coordinator of Community Services	1675
H 10	Chief's Operator	1572
H 32	Captain, Bureau of Fire Prevention and Public Safety	2164
H 22	Lieutenant, Bureau of Fire Prevention and Public Safety	1894
H 24	Lieutenant, Bureau of Fire Investigation	1894
H 6	Investigator, Bureau of Fire Investigation	1729
H 4	Inspector, Bureau of Fire Prevention and Public Safety	1729
H 2	Firefighter, 1st year	1249
	2nd year	1311
	3rd year	1376
	4th year	1445
H110	Marine Engineer of Fireboats	1915
H120	Pilot of Fireboat	1915

Section 6. Placement Above The Entrance Rate.

Upon notice to the Civil Service Commission by the appointing officer, the reinstatement or reappointment of a former permanent member of the uniformed forces of the Police or Fire Department, following resignation with services satisfactory, may be made at the step in the respective salary range the returning uniformed member enjoyed immediately prior to resignation.

Section 7. Holidays.

Members of the uniformed force of the Police Department shall be entitled to the days declared to be holidays for employees whose compensations are fixed

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in the schedules of compensation adopted by the Board of Supervisors pursuant to the provisions of Section 8.401 of the Charter as additional days off with pay. Members shall be compensated on the basis of time and one-half as computed pursuant to Charter Section 8.451 or shall be granted equivalent time off duty with pay at the rate of time and one-half as requested by the member. Members of the uniformed force of the Police Department working a five-day work week other than Monday through Friday shall be allowed another day off if a holiday falls on one of their regularly scheduled days off. Employees whose holidays are changed because of shift rotations shall be allowed another day off if a legal holiday falls on one of their days off.

If the provisions of this section deprive an employee of the same number of holidays that an employee receives who works Monday through Friday, he/she shall be granted additional days off to equal such number of holidays. The designation of such days off shall be by mutual agreement of the employee and the appropriate supervisor with the approval of the appointing officer. In no event shall the provisions of this section result in such employee receiving more or less holidays than an employee on a Monday thru Friday work schedule.

Section 8. Police Night Differential.

Any member of the uniformed force of the Police Department who actually performs services between the hours of 5:00 p.m. and 7:00 a.m. shall be entitled to an additional 6.25% of the compensation otherwise payable for base pay therefor for all such hours worked; provided, however, that such additional compensation shall not be included for purposes of retirement benefit calculation or contributions provided elsewhere in the Charter.

Section 9. Overtime Compensation for Uniformed Members of the Police and Fire Departments.

Members who request compensation by payment for overtime worked shall be paid within fourteen (14) days after the end of the pay period during which said overtime was worked. Members who request equivalent time off duty for overtime worked shall have their compensatory time account adjusted within

fourteen (14) days after the end of the pay period during which said overtime was worked.

Section 10. Savings Clause.

If it shall be determined by any court of competent jurisidiction that any salary or wage rate schedule of compensation fixed herein, or any provision hereof, is contrary to the provisions of Section 8.405 of the Charter, or of any provisions of the Charter or Law, such determination shall not affect the validity of any other salary wage or rate of compensation or provisions in this ordinance.

Section 11. The rate of compensation provided for in said Sections 4 and 5 of this ordinance shall become effective July 1, 1988.

Section 12. Ordinance No. 351-87 is hereby repealed.

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

GENERAL MANAGER, PERSONNEL
RETIRED

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By: Theodore R. Lolley
DEPUTY CITY ATTORNEY

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
August 15, 1988	§	August 22, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Silver Walker	§	Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Nelder Silver Walker
	§	
Absent: Supervisors Maher Molinari Nelder Ward	§	Absent: Supervisors Britt Hongisto Molinari Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
105-88-2

AUG 26 1988
Date Approved

Mayor

FILE NO. 121-88-3 ORDINANCE NO. 394-88

(Parades)

AMENDING PART II, CHAPTER VIII, ARTICLE 4 OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY AMENDING SECTIONS 366 AND 371 THEREOF, RELATING TO DEFINITION OF "PARADES" AND TO APPEALS OF PARADE PERMITS.

Be it ordained by the People of the City and County of San Francisco:

NOTE: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Section 1. Part II, Chapter VIII, Article 4 of the San Francisco Municipal Code (Police Code) is hereby amended, by amending Section 366 thereof, to read as follows:

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SEC. 366. DEFINITIONS.

For the purposes of Sections 366 to 379 inclusive, the following definitions shall apply:

(a) The term "approve," when used in connection with approval of an application for a parade permit by the Chief of Police, means that the Chief of Police has determined that none of the grounds for denying an application, as set forth in Section 369, exists, and that a permit is to be issued once the applicant complies with Section 367, pertaining to applications, and Section 368, pertaining to indemnification.

(b) A "business district" is that area adjacent to a public street in which: (1) 50 percent or more of the property fronting upon one side of the street, for a distance of 600 feet, is occupied by structures in use for commercial purposes; or, (2) 50 percent or more of the property fronting upon both sides of the street, considered together and for a distance of 300 feet, is occupied by structures in use for commercial purposes. A business district may be longer than the distances specified in this Section if the above ratio of buildings in use for commercial purposes to the length of the street exists.

(c) "Chief of Police" includes the Special Events Unit or any representative designated by the Chief of Police.

(d) To "issue" a permit is to deliver to an applicant for a parade permit written permission to sponsor or hold an event at a specified date and location.

(e) A "parade" is an event, not including an athletic event, in which any group of persons proceed as a collective body for more than one block on any street in the City and County of San Francisco, whether on foot or in any type of vehicle or on an animal or animals, which event obstructs or interferes with the normal flow of vehicular traffic. An "athletic event" is an event in which a group of people collectively engage in a sport or form of physical exercise on any street in the City and County of San Francisco, including but not limited to jogging, bicycling, racewalking, roller skating or running. The following processions are not included in the definition of a "parade": (1) processions composed wholly of the military or naval forces of the United States or of the State of California; (2) processions incidental to a wedding or funeral; (3) processions composed of one or more governmental officials or candidates accompanied by security personnel to which such officials or candidates are entitled by virtue of their office or candidacy. Any event taking place entirely on property under the jurisdiction of the Recreation and Park Department shall be exempt from this ordinance.

(f) "Person" shall include and mean any person, firm, association, corporation, club, organization or ad hoc committee.

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Section 2. Part II, Chapter VIII, Article 4 of the San Francisco Municipal Code (Police Code) is hereby amended, by amending Section 371 thereof, to read as follows:

SEC. 371. APPEALS.

The Board of Supervisors shall by motion designate an appropriate committee of the Board ((The Transportation and Traffic Committee of the Board of Supervisors is hereby authorized)) to act as a "Committee on Parades" for the purposes of Sections 366 to 379, inclusive, of this Article.

The applicant may appeal the denial of an application for a parade permit, or the imposition of conditions on the issuance of a permit, to the Committee on Parades, if such appeal can be timely made. The Committee shall consider such appeal and may either concur in the action of the Chief of Police or overrule such action and order that the permit be approved. If the Committee orders that a permit be approved, it shall have the authority to impose only such conditions as are recommended by the Chief of Police.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

Theodore R. Lakey

Deputy City Attorney

1598g/1-3

SUPERVISORS MAHER, WALKER

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
August 15, 1988	§	August 22, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker	§	Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Silver Walker
Noes: Supervisors Nelder	§	Noes: Supervisors Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor

Clerk

File No. 121-88-3

AUG 26 1988

Date Approved

Mayor

FILE NO. 123-88-4 ORDINANCE NO. 345-88

(Building Permit Fees)

AMENDING PART II, CHAPTER 10 (PUBLIC WORKS CODE) OF THE SAN FRANCISCO MUNICIPAL CODE BY ADDING SECTION 1015 THERETO PROVIDING FOR COLLECTION OF FEES BY THE DEPARTMENT OF PUBLIC HEALTH.

Note: This section is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter 10 (Public Works Code) of the San Francisco Municipal Code is hereby amended by adding Section 1015 thereto to read as follows:

SEC. 1015. DEPARTMENT OF PUBLIC HEALTH FEES. The Director of the Department of Public Health is authorized to charge the following fees to defray the costs of document processing and review, consultation with applicants, and administration of this article: (1) an initial fee of two hundred and twenty-five dollars ($225), payable to the Department of Public Health, upon filing a site history report with the Department of Public Health; and (2) an additional fee of seventy-five dollars ($75) per hour for document processing and review and applicant consultation exceeding three hours or portion thereof, payable to the Department of Public Health, upon filing of the certification required pursuant to Section 1005.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

Deputy City Attorney

0010H

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 15, 1988	August 22, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Hsieh Kennedy Maher Ward Molinari Nelder Silver Walker	Ayes: Supervisors Britt Gonzalez Hongisto Kennedy Maher Molinari Nelder Walker Ward
	Absent: Supervisors Hsieh Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Clerk

File No. 123-88-4

AUG 26 1988
Date Approved

Mayor

FILE NO. 155-88-4 ORDINANCE NO. 376-88

RO #8043

(Reward Authorization)

AUTHORIZING PAYMENT OF REWARD TO AMY KING, RICHARD CHRISTENSEN AND JOHN FINGLER.

NOTE: This material is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Controller of the City and County of San Francisco is hereby authorized to draft a warrant upon the Treasury of the City and County of San Francisco in the amount of Four Thousand Dollars ($4,000) payable to Amy King for supplying information leading to the identity, apprehension and conviction of the assailant of William Safian.

Section 2. The Controller of the City and County of San Francisco is hereby authorized to draft a warrant upon the Treasury of the City and County of San Francisco in the amount of Four Thousand Dollars ($4,000) payable to Richard Christensen for supplying information leading to the identity, apprehension and conviction of the assailant of William Safian.

Section 3. The Controller of the City and County of San Francisco is hereby authorized to draft a warrant upon the Treasury of the City and County of San Francisco in the amount of Two Thousand Dollars ($2,000) payable to John Fingler for supplying information leading to the identity, apprehension and conviction of the assailant of William Safian.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____
Deputy City Attorney

2586g

FUNDS AVAILABLE:

John C Farrell
Controller
01 001 97 09 25
323428 1450 $10,000.00 07/18/88

JUL 27 1988

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 15, 1988	August 22, 1988
Ayes: Supervisors Gonzalez Hsieh Kennedy Maher Molinari Nelder Silver Walker	Ayes: Supervisors Britt Gonzalez Hongisto Kennedy Maher Molinari Nelder Walker Ward
Absent: Supervisors Britt Hongisto Ward	Absent: Supervisors Hsieh Silver

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor
Clerk

File No.
155-88-4

AUG 26 1988
Date Approved

Mayor

FILE NO. 412-87-3 ORDINANCE NO. 397-88

(Street Fairs)

AMENDING CHAPTER 2, ARTICLE VIII OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 2.70 THEREOF AND ADDING SECTION 2.70-6 THERETO, RELATING TO THE TEMPORARY USE OF STREETS FOR STREET FAIRS AND CREATING AN INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND TRANSPORTATION.

Note: Additions or substitutions are <u>underlined</u>; deletions are in ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

Section 1. Chapter 2, Article VIII of the San Francisco Administrative Code is hereby amended by amending Section 2.70 thereof, to read as follows:

SEC. 2.70. ((REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS; PROCEDURE. <u>Except as provided in San Francisco Administrative Code Section 2.70-1 relating to street fairs</u>, any request for permission for the temporary use or occupancy of a public street within the City and County shall be filed with the Clerk of the Board of Supervisors, on a form provided by said Clerk of the Board, not less than 60 days prior to the date of said proposed temporary use or occupancy. Upon receipt, the Clerk shall refer such request to an appropriate committee of said board for public hearing and shall transmit a copy of said request to the interdepartmental staff committee on traffic and transportation for its report and recommendation thereon. The report and recommendation of said committee shall be submitted to the Board within five days after it considers said request at its meeting)).

((The Board committee before which a proposed temporary public street use or occupancy request is pending shall not report it to the Board, and the Board shall not grant permission for such temporary use or occupancy prior to receipt of the aforesaid report, but in the event said report is not received within said time limitation, such committee and Board action shall be permissible. The Clerk of the Board shall transmit copies of any legislation granting permission for the temporary use or occupancy of a public street to the Chief of Police; The Chief of the Fire Department; the Superintendent, Emergency Hospital Service, Department of Public Health; and to the General Manager of the Municipal Railway)).

<u>INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND TRANSPORTATION (ISCOTT).</u>

<u>There is hereby established a committee to be known as the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), consisting of the department heads or their designated representatives from the following departments and agencies: Public Works, Police, Fire, Public Health, Municipal Railway, and City Planning. The Director of the Department of Public Works or his or her designee shall serve as Chair of ISCOTT. In exercising its powers the committee shall consult with any other city department or agency which could be affected by any temporary use or occupancy of any public street. The committee shall have the authority to take all acts reasonably necessary for it to carry out any duties imposed upon it by ordinance. Before acting on any application for temporary use or occupancy of public streets, ISCOTT shall conduct a public hearing at publicly noticed times and at places to be determined by the committee.</u>

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Note: The material in Section 2 is entirely new.

Section 2. Chapter 2, Article VIII of the San Francisco Administrative Code is hereby amended by adding Section 2.70-6 thereto to read as follows:

SEC. 2.70-6. TEMPORARY USE OF STREETS FOR STREET FAIRS.

(a) Definitions.

For the purposes of this Section, the following definitions shall apply:

(1) "Director" means the Director of Public Works or his or her designee.

(2) To "issue" a permit is to deliver to an applicant for a street fair permit written permission to sponsor or hold a street fair at a specified date and location.

(3) "Sponsor" means that organization responsible for organizing a street fair and authorized to represent the street fair before City agencies and officials.

(4) A "street fair" means a social or community event, not including an athletic event or parade, in which any group of persons convene to celebrate their community or neighborhood on any street in the City and County of San Francisco which event obstructs or interferes with the normal flow of vehicular traffic.

(b) Applying for Temporary Use of Street for Street Fair. Notwithstanding any other provisions of the Administrative Code of the City and County of San Francisco, the regulation of street fairs, including the processes for obtaining permits from the City for conducting these street fairs and the payment of associated fees to the City, shall be governed by Section 2.70-6 of the

Administrative Code. In order to provide for the safe, orderly and cost-effective conduct of street fairs, any organization seeking permission for the temporary use of a street for the purpose of conducting a street fair shall file an application with the Director no later than 90 days prior to the proposed date for the event. Applications shall be submitted on forms prepared by the Director after conferring with the appropriate representatives from the Police Department, Fire Department, Department of Public Health, and the Municipal Railway. At the time of filing an application under this section, the sponsoring organization shall also file a $40 application fee.

(c) Timeliness of Applications. No person submitting an application after the deadlines set forth in this ordinance shall be granted permission to conduct a street fair in the corresponding period unless the person demonstrates to the satisfaction of the Director of Public Works that the failure to submit a timely application was justified by extraordinary circumstances; provided, however, that in no event shall an applicant be permitted to file an application less than 60 days prior to proposed date for the event. A late fee of $40 shall be assessed for untimely filed applications.

(d) Review of Application.

(1) Upon receiving an application for permission for the temporary use of a street for purposes of conducting a street fair, the Director shall review the application to determine whether the information required in the application has been provided. If the Director determines that the applicant has failed to provide the information required, the Director shall, within 5 business days of receiving the application, notify the applicant of what additional information is

required. If the applicant fails to provide the additional information required within 5 business days of notification by the Director, the applicant's application shall be deemed to be untimely filed; provided, however, that upon good cause shown the Director may extend this 5 day period. Except as provided in subsection (2) of this section, the Director shall transmit the completed application to ISCOTT.

(2) If, upon reviewing the application, the Director determines that the proposed street fair will be contained within one block in such a manner that no intersections will be closed, and that the proposed street fair will not require the rerouting of Municipal Railway vehicles, the Director may grant the street fair permit without referring the application to ISCOTT, provided however that the Director shall transmit copies of the applications to the constituent members of ISCOTT for informational purposes. The Director will calculate the fee to be charged to the sponsor use the same schedule and in the same manner as prescribed in subsection (g) of this section. If such a street fair will include the sale of food or beverages, the appropriate permits shall be obtained from the Department of Public Health no later than fourteen days prior to the date of the event.

(e) Review by ISCOTT; Recommendation. Except as provided in subsection (e)(2) of this section, no later than 60 days prior to the proposed date of the street fair, ISCOTT shall review the application and shall recommend that the Director grant, deny, or grant with conditions the application for a permit. The Director may accept or reject the recommendation of ISCOTT, and may grant, deny or grant with conditions the application for a permit. Upon granting permission to conduct a street fair, the Director shall

cause all necessary permits to be issued to the sponsor of the street fair. If the Director denies permission to conduct the street fair, the Director shall state in writing his or her reasons for the denial.

(f) Fee. At the time ISCOTT reviews the application, it shall also determine the fee to be charged for the permit pursuant to a schedule to be adopted by the interested departments. No other fee for conducting a street fair shall be required or assessed. All fees paid by the sponsors for street fair permits shall be deposited in the general fund and credited to the appropriate departments. Said fee shall be based on the actual costs to the City of temporarily closing the street for the street fair, pursuant to the following fee schedule:

Police Department Fee:	$100.00
Fire Department Fee:	$129.00
Public Health:	
Application Fee:	$ 50.00 application fee payable by sponsor or, where no sponsor, by individual vendor
Permit Fee	$ 25.00 per booth selling food or or beverages (first day)
	$ 10.00 per booth selling food or or beverages (each day after first day)
Municipal Railway Fee:	$ 4.42 per electrically powered vehicle hour per line affected, where "vehicle hour" means the number of hours each coach on a line is in operation during the day of the event.

If the Director grants the application for a permit, he or she shall transmit to the sponsor an invoice for the fee. The sponsor of the street fair shall make full payment of the fee no later than 10 days prior to the date of the event.

(g) Insurance. Street fair sponsors shall be required to file with the Director proof of the insurance required by San Francisco Administrative Code Section 2.71(1) no later than the

Thursday before the date of the street fair.

(h) Conditions. In addition to any other conditions imposed by the Director, any street fair conducted pursuant to this Article shall be subject to the conditions set forth in San Francisco Administrative Code Section 2.71.

(i) Appeals. Any appeal from the denial of the issuance of a permit to conduct a street fair, or from the imposition of conditions on the issuance of a permit, shall be to the Board of Supervisors. Such appeal shall be made by filing with the Clerk of the Board, on a form provided by the said Clerk of the Board, within 10 days of the Director's approval or disapproval. Upon receipt, the Clerk shall set a time and place for hearing such appeal by the Board of Supervisors, which shall be at its next regular meeting in conformance with public notice requirements.

At the appeal hearing, the appellant and Director shall have an opportunity to present oral testimony and written materials in support of their positions. Upon hearing the appeal, and after any further investigation which the Board may request, the Board may, affirm, reverse, or modify the the Director's decision.

(j) Notice. The Director shall transmit copies of the granting of permission to conduct a street fair to the Chief of Police, the Chief of the Fire Department, the General Manager of the Municipal Railway, the Director of the Bureau of Environmental Health Services of the Department of Public Health and the Superintendent of Emergency Hospital Service of the Department of Public Health.

(k) Authorization to Sell Goods: Unauthorized Sales. The sponsor of a street fair shall determine which individuals or organizations may sell goods or merchandise on a street that has

been closed for the purposes of conducting a street fair, provided, however, that such authorization shall not be withheld on the basis of the race, sex, religion, creed, national origin or sexual orientation of the person seeking such authorization. Individuals seeking to sell goods or merchandise in a street that has been closed for the purpose of a street fair without the authorization of a sponsor may be cited for violating San Francisco Police Code Section 869 (peddling without a permit.) Nothing in this section shall be construed to deprive the Department of Public Health of its authority to determine what foods or beverages may be sold.

(l) City Undertaking Limited to Promotion of General Welfare. In undertaking the adoption and enforcement of this section, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers or employees, an obligation for breach of which the City is liable in money damages to any person who claims that such breach proximately caused injury.

(m) Severability. If any part of this section, or the application thereof, is held to be invalid, the remainder of this ordinance is shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect. To this end, the provisions of this ordinance, and each of them, is severable.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

Theodore R. Lakey
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
August 15, 1988	$	August 22, 1988
	$	
	$	
Ayes: Supervisors Britt Gonzalez	$	Ayes: Supervisors Britt Gonzalez
Hongisto Hsieh Kennedy Maher Ward	$	Hongisto Hsieh Kennedy Maher Ward
Molinari Silver Walker	$	Molinari Silver Walker
	$	
Noes: Supervisors Nelder	$	Noes: Supervisors Nelder

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor
Clerk

File No.
412-87-3

AUG 26 1988
Date Approved

Mayor

(Public Utilities Commission)

AMENDING SECTION 10.90 OF THE SAN FRANCISCO ADMINISTRATIVE CODE TO PROHIBIT SALE OR DISPOSAL OF VINTAGE TRANSIT EQUIPMENT WITHOUT THE APPROVAL OF THE BOARD OF SUPERVISORS.

NOTE: Additions or substitutions are underlined; deletions are indicated by ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 10.90 thereof to read as follows:

SEC. 10.90. DEPOSITS OF PROCEEDS OF SALE OF CITY/COUNTY-OWNED PERSONAL PROPERTY IN STORES REVOLING FUND((.)); SALE OF VINTAGE TRANSIT EQUIPMENT.

All moneys received from the sale of City/County-owned personal property, pursuant to the provisions of Section 7.100 of the Charter, shall be deposited as nonrevenue receipts to the credit of the respective departments, divisions or bureaus having jurisdiction or control over the personal property sold.

The moneys deposited, as provided in this section, shall be credited to the stores' revolving fund of the respective departments, divisions or bureaus; provided, the moneys are the returns from the sale of personal property which was a part of the resources of the stores' revolving fund.

The current appropriations for materials and supplies of the respective departments, divisions or bureaus shall be debited for all amounts representing the unrecovered value of the resources of the respective stores' revolving fund which have been disposed of by sale or other disposition. Any excess receipts of each sale, over and above the book value of the items sold or disposed of, shall be credited to the unappropriated balance of funds of the proper departments, divisions or bureaus.

No City department may sell, loan for a period in excess of one year or otherwise dispose of any vintage transit equipment without approval by the Board of Supervisors after a public hearing. For purposes of this paragraph, "vintage transit equipment" means any Municipal Railway rolling stock or component thereof which is more than twenty five years old. "Vintage transit equipment" does not include any of the following:

(1) Components which are worn out, broken or otherwise unuseable which will be replaced by components of a like kind designed to serve the same function.

(2) Useable surplus components which will be traded for other components in short supply.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By JOSHUA D. MILSTEIN
Deputy City Attorney

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SUPERVISOR JOHN MOLINARI

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
August 22, 1988	§	August 29, 1988
	§	
	§	
Ayes: Supervisors Britt Gonzalez	§	Ayes: Supervisors Britt Gonzalez
Hongisto Hsieh Kennedy Maher Ward	§	Hsieh Kennedy Maher Ward
Molinari Nelder Silver Walker	§	
	§	
	§	Absent: Supervisors Hongisto Nelder
	§	Molinari Silver Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
7-88-4

SEP 6 1988
Date Approved

Mayor

ORd. No. 399-88

is cancel

FILE NO. 45-88-52 ORDINANCE NO. 400-88

RO#8027

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF HERBERT LAWRENCE WINBUSH AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $5,900.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "HERBERT LAWRENCE WINBUSH v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 854-731, by the payment of $5,900.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KIMBERLY A. REILEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRANK JORDAN
Chief

FUNDS AVAILABLE:

JOHN FARRELL
Controller

01 001 97 09 38
309781 1450 $5,900.00

5849t/4

AUG. 0 6 1988

APPROVED:
POLICE COMMISSION

SECRETARY

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
August 22, 1988	§	August 29, 1988
Ayes: Supervisors Britt Gonzalez Hongisto Kennedy Maher Molinari Nelder Walker Ward	§	Ayes: Supervisors Britt Gonzalez Hsieh Kennedy Maher Ward
Absent: Supervisors Hsieh Silver	§	Absent: Supervisors Hongisto Nelder Molinari Silver Walker

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-88-52

SEP 6 1988
Date Approved

Mayor

Ulrich/Omaha, Ne
Houchen
Bindery Ltd
2012